



# PROMOTION OF ACCESS TO INFORMATION ACT (PAIA)

## LICENTIA FRANCHISE SA (PTY) LTD

Company Registration Number:  
**2015/172514/07**

### PAIA MANUAL

PREPARED IN ACCORDANCE WITH  
SECTION 51  
OF THE  
PROMOTION OF ACCESS TO INFORMATION ACT  
(ACT NO 2 OF 2000)

**Licentia Franchise SA (Pty) Ltd**

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## FOREWORD

**Welcome to LICENTIA FRANCHISE SA (PTY) LTD.**

**“YOUR FREEDOM TO BUSINESS LICENSES LIES WITHIN OUR HANDS”**

### THE ACT – SECTION 10 GUIDE

A Guide has been compiled in terms of Section 10 Promotion of Access to Information Act (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 official languages.

- ✓ The ACT grants a requester access to records of the private body if the record is required for the exercise or protection of any rights. If a public body must be acting in the public interest.
- ✓ Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided.
- ✓ Requesters are referred to the Guide to be compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights.

## 1. INTRODUCTION

This manual serves as the information manual for Licentia Franchise SA (Pty) Ltd and provides a reference to the records held by the Company and the process to request access to such records.

The purpose of the Promotion of Access to Information Act is to ensure that people can exercise their constitutional right of access to any information that is required for the exercise or protection of any right and is held by: the State and or another person.

This manual may be amended from time to time and as soon as any amendments have been finalized, the latest version of the manual will be made public on Licentia’s website.

A person may request information in terms of the Act only if the information is required for the protection of a right. Therefore, the requestor has to provide the designated person with sufficient particulars to ensure that the designated person can assess the right which the requestor is seeking to protect.

The Company is a "private body" as defined in the Act and the manual has been compiled under the requirements of the Act.

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## 2. SCOPE OF THE MANUAL

This manual has been prepared to assist persons requesting information and provide procedures to be followed to gain access to information and documentation as provided for in the Act.

### Nature of Business:

A licensed consulting firm is a business comprised of industry-specific experts who offer professional applications, management, advice, guidance, and actionable solutions to businesses requiring business licenses and permits to conduct operations in South Africa.

The scope of the manual is limited to the records held by the Company.

## 3. AVAILABILITY OF THE MANUAL

A copy of this manual is available to the public for inspection during office hours at the offices of the Company, and on the Company's website at [www.licentia.co.za](http://www.licentia.co.za) as well as on request from the designated contact person referred to in this manual.

## 4. CONTACT DETAILS

The Director (Information Officer) of Licentia Franchise SA (Pty) Ltd

Director (Information Officer):	Jean Oliver
Postal Address:	Suite MW 465 Middelburg Mpumalanga
Physical Address:	34 Louws Creek Aerorand Middelburg Mpumalanga
Cell Number:	082 376 7338 / 076 220 3689
E-Mail Address:	<a href="mailto:director@licentia.co.za">director@licentia.co.za</a> <a href="mailto:freedom@licentia.co.za">freedom@licentia.co.za</a>

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## 5. GUIDANCE ON PAIA REQUESTS

To assist those who are not familiar with PAIA requests, Section 10 of PAIA has instructed the Information Regulator to update and make available the existing Guide that has been compiled by the South African Human Rights Commission. This Guide contains information to assist you in understanding how to exercise your rights under PAIA. It is available in all the South African official languages.

If you have any queries or need a copy of this Guide, please contact the Information Regulator directly at:

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The Information Regulator (South Africa)  
33 Hoofd Street,  
Forum III, 3rd Floor Braampark  
Braamfontein  
Johannesburg

P.O Box 31533

Website: [www.justice.gov.za/infoereg/](http://www.justice.gov.za/infoereg/)

Email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

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Or

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The South African Human Rights Commission:  
29 Princess of Wales Terrance  
Cnr York and St. Andrews Street  
Parktown  
Johannesburg

Private Bag 270  
Houghton  
2041

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

Email: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

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## 6. RECORDS AVAILABLE AND HELD IN ACCORDANCE WITH OTHER LEGISLATION

Records are held under the following legislation:

1. Financial Intelligence Centre Act, No. 38 of 2001;
2. Basic Conditions of Employment Act, No. 75 of 1997;
3. Broad-Based Black Economic Empowerment Act, No. 52 of 2002;
4. Companies Act, No. 71 of 2008;
5. Close Corporation Act, No. 29 of 1984;
6. Trust Property Control Act, No. 57 of 1988;
7. Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993;
8. Consumer Protection Act, No. 68 of 2008;
9. Currency and Exchanges Act No. 9 of 1933;
10. Customs and Excise Act, No. 91 of 1964;
11. Electronic Communication and Transactions Act, No. 2 of 2000;
12. Employment Equity Act, No. 55 of 1988;
13. Income Tax Act, No. 58 of 1962;
14. Labour Relations Act, No. 66 of 1995;
15. Occupational Health and Safety Act, No. 85 of 1993;
16. Promotion of Access to Information Act, No. 2 of 2000;
17. Protection of Personal Information Act, No. 4 of 2013;
18. Skills Development Levy Act, No. 9 of 1999;
19. Unemployment Insurance Contributions Act, No. 4 of 2002;
20. Unemployment Insurance Act, No. 63 of 2001; and
21. Value-added Tax Act, No. 89 of 1991;
22. Eastern Cape Liquor Act, No. 10 of 2003;
23. Free State Gambling and Liquor Act, No. 6 of 2010;
24. Gauteng Liquor Act, No. 2 of 2003;
25. Kwazulu-Natal Liquor Licensing Act, No. 6 of 2010;
26. Limpopo Liquor Act, No. 5 of 2009;
27. Mpumalanga Liquor Licensing Act, No. 5 of 2006;
28. Northern Cape Liquor Act, No. 2 of 2008;
29. North West Liquor Licensing Act, No. 6 of 2016;
30. Western Cape Liquor Act, No. 4 of 2008;
31. National Liquor Act, No. 59 of 2003;
32. The Businesses Act, No. 71 of 1991;
33. Foodstuff, Cosmetics, and Disinfectants Act, No. 54 of 1972;
34. Petroleum Act of 2019
35. National Building Regulations and Building Standards Act, No. 103 of 1977
36. South African National Building Regulation (SANS 10400-A:2010);
37. Section 21 (1) Community Fire Safety By-Laws of South Africa;
38. South African Music Performance Rights Association;
39. The Southern African Music Rights Organisation;
40. Companies and Intellectual Property Commission;
41. Copyright Act, No. 98 of 1978,
42. Trade Marks Act, No. 194 of 1993;
43. Lexis RefCheck.

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## 7. RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC

The Act provides for the automatic disclosure of certain records. Should records be automatically disclosed, you will not have to formally request these records in terms of the Act.

In terms of the Act, this automatic disclosure by private companies is voluntary. This means that a private company is not obliged to make such disclosure. If a private company chooses to make a such voluntary disclosure, it may do so by giving notice thereof in terms of Section 52(2) of the Act.

The following records are available without the need for a PAIA request:

1. Any information is available on our website [www.licentia.co.za](http://www.licentia.co.za);
2. Any documents, brochures, pamphlets, or booklets that we produce for public consumption.

## 8. CATEGORIES AND TYPES OF RECORDS / INFORMATION HELD IN TERMS OF THE ACT

The requester of any documents listed below is not automatically allowed access to the records and access may or shall be refused in accordance with the Act.

### RECORDS and INFORMATION

#### COMPANIES ACT RECORDS

1. Licentia Franchise (Pty) Ltd Company Registration;
2. Licentia Province's Company Registrations;
3. Corporate Governance;
4. Compliance Reports;
5. CIPC Name Reservation (COR 9.4);
6. Shareholding Registrations Certificates;
7. Directors Registrations;
8. Records relating to the appointment of;  
Directors/Shareholders/Bookkeepers/Auditors/Secretary /Public Officers
9. Minutes of Board of Directors Meetings and Records;
10. CIPC Registration Certificate (COR 14.3);
11. Notice of Incorporate Details (COR 14.1);
12. Notice of Initial Director Details (COR14.1.A);
13. Registration Certificate (COR 14.3);
14. Memorandum of Incorporation (COR 15.1.A);
15. Memorandum and Article of Association;
16. Trade Name Registrations.

#### FINANCIAL RECORDS

1. Annual Financial Statement;
2. Management Account;
3. Tax Returns;

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4. Accounting Records;
5. Banking Records;
6. Bank Statements;
7. Electronic Banking Records;
8. Asset Register;
9. Corporate Sales Agreements;
10. Finance and Administration;
11. Rental Agreement;
12. Invoices.

### **INCOME TAX RECORDS**

1. PAYE Records;
2. Documents Issued to Employees for Income Tax Purposes;
3. Records of Payments made to SARS on behalf of Employees;
4. All other statutory compliances:
  - ✓ Income Taxes
  - ✓ VAT
  - ✓ UIF

### **EMPLOYEE DOCUMENTS AND RECORDS**

1. Employment Contracts
2. Employee Policies
3. Job Descriptions
4. Salary or Commission Record
5. Disciplinary Code
6. Internal Disciplinary and Review Records;
7. Leave Records
8. Training Manuals
9. Training Records

### **COMPANY'S (IT) INFORMATION TECHNOLOGY SYSTEMS**

1. Login and Passwords of IT Systems;
2. Domain Name Registrations;
3. E-Mail Domain;
4. E-Mail Log In's / Passwords;
5. E-Mail Communications of all Formats and Platforms
6. Licentia IT Programs and Applications;
7. Telecommunication Records and Recordings;
8. Internet Systems and I-Cloud;
9. IT Intellectual Property and Brands.

### **MARKETING AND COMMUNICATION**

1. Website Domain;
2. Website Log In's / Passwords;
3. Social Media Platforms;

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4. Social Media Log In's / Passwords;

## **LEGAL INFORMATION AND REGISTRATIONS**

1. Franchise Registrations;
2. Franchisee Agreements;
3. Franchisee Database;
4. Franchisee Contact and Information Records;
5. Trademark Registrations;
6. Copyright Registrations;
7. Third-Party Registration Agreements and Services;
8. Intellectual Property and Brands.

### **Other Registrations**

1. Clients Registration;
2. Clients Database;
3. Clients Mandates and Instructions;
4. Clients Service Level Agreements;
5. Clients Contact and Information Records;

## **SUBJECTS ON WHICH RECORDS ARE KEPT**

Mandates and Client Instruction pertaining to all Licentia Franchise (Pty) Ltd Applications, Consultations, Licenses, Permits, and Services.

## **9. ACCESS REQUEST PROCEDURE**

A requester must complete the necessary request form (Form C) that is attached to this manual.

The request form is also available from the Information Regulator's website <https://www.justice.gov.za/infoREG/>.

The completed request form must be sent to the address provided in this manual and marked for the attention of the Information Officer.

You must provide sufficient details to enable the Company to identify:

1. The record(s) and or documents requested;
2. If the request is made on behalf of another person, submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body. (Proof of capacity shall be provided);
3. The form of access required;
4. The postal address and email address of the requester in the Republic OF South Africa;

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5. If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
6. Identify the right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect that right.

If you do not use the prescribed Form C, your request may be rejected for lack of procedural compliance, refused (if sufficient information is not provided or otherwise), or delayed.

The Information Officer, will, as soon as reasonably possible and within thirty (30) days after the request has been received, decide whether to grant the request or not.

You will receive a notification on whether your request was rejected or accepted. If your request was accepted, we will advise you on the access fee to be paid and the format in which it will be given. If you are not happy with the access fee, you may lodge a complaint with the Information Regulator or appeal with the High Court.

If your request was rejected, the Information Officer will give you written reasons. If you are not happy with the refusal, you may lodge a complaint with the Information Regulator and lodge an appeal with the High Court against the refusal of the request.

If we fail to respond to you within thirty (30) days after a request has been received, it is deemed, that the request has been refused.

In certain instances, we may request an extension.

For example;

we shall need time to collect the documents, if you request a large number of records or if the search for the records is to be conducted at premises not situated in the same town or city as our Franchisees/Agents' offices and or Head Office or if you provide us with consent to an extension.

## **10. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

We may refuse a request for information based on one or more of the following grounds:

1. Mandatory protection of the privacy of a third party who is a Natural Person, Close Corporation, Company, Trust, and an NPO, which would involve the unreasonable disclosure of personal information of that entity and or natural person;
2. Mandatory protection of the commercial information of a third party, if the record contains:
  - ✓ Trade secrets of that party;
  - ✓ Financial, commercial, scientific, or technical information which

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- ✓ disclosure could likely cause harm to the financial or commercial interests of that party; and
- ✓ Information disclosed in confidence by a third party to Licentia if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- ✓ Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- ✓ Mandatory protection of the safety of individuals and the protection of property, may it be that such property is in the form of;
  - Immoveable Property
  - Business Property
    - Goodwill
    - Assets
- ✓ Stock;
- ✓ Mandatory protection of records that could be regarded as privileged in legal proceedings;
- ✓ The Commercial Activities of Licentia may include:
  - Trade secrets of the Company;
  - Financial, commercial, scientific, or technical information disclosure could likely cause harm to the financial or commercial interests of Licentia.

## 11. FEES

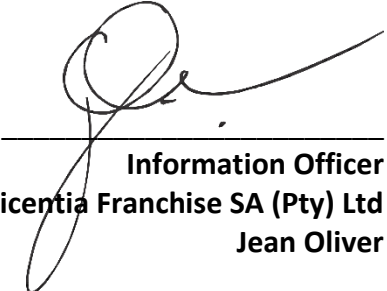
The list of prescribed fees in respect of requests, and in respect of access to records (if the request is granted) is set out under “Annexure B” below.

If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one-third of the access fee which would be payable if the request were granted).

You may lodge an application with a court against the tender/payment of the request fee and/or deposit.

Records may be withheld until the fees have been paid.

The fee structure is also available on the website of the Information Regulator.



Information Officer  
 Director: Licentia Franchise SA (Pty) Ltd  
 Jean Oliver

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**ANNEXURE A – FORM C**

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

**Section 53(1) of the Promotion of Access to Information Act, (Act No. 2 of 2000)  
[Regulation 10]**

**A. Particulars of the private body;**

The Head: .....

**B. Particulars of the 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 of South Africa 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: .....

✓ Telephone/Cell Number: (.....) .....

✓ Fax number: (.....) .....

✓ E-mail address: .....@.....

✓ Capacity in which the request is made, when made on behalf of another person:  
.....

**C. Particulars of the person/entity on whose behalf the request is made;**

This section must be completed ONLY if a request for information is made on behalf of another person/entity.

✓ Entity Name: .....

✓ Entity Registration Number: .....

✓ Full Names and Surname: .....

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✓ 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.

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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:

Reason for exemption from payment of fees: (If Applicable)

.....  
.....

\_\_\_\_\_  
Signature of Requestee

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## **ANNEXURE B – FEES**

### **FEES IN RESPECT OF PRIVATE BODIES TERMS OF PAIA**

1. The fee for a copy of the Manual as contemplated in regulation 9(2)(c) of PAIA is R 01-10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11 (1) of PAIA are as follows;
  - a) For every photocopy of an A4-size page or part thereof R 01-10.
  - b) For every printed copy of an A4-size page or part thereof held on a computer or in the electronic or machine-readable form R 00-75.
  - c) For a copy in a computer-readable form;
    - i. compact disc R 70-00.
  - d) For a transcription of visual images;
    - i. for an A4-size page or part thereof R 40-00,
    - ii. for a copy of visual images R 60-00.
  - e) For a transcription of an audio record;
    - i. for an A4-size page or part thereof R 20-00;
    - ii. for a copy of an audio record R 30-00.
3. The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) of PAIA is R 50-00.
4. The access fees payable by a requester referred to in Regulation 11(3) of PAIA are as follows:
  - 1)
    - a) For every photocopy of an A4-size page or part thereof R 01-10.
    - b) For every printed copy of an A4-size page or part thereof held on a computer or in the electronic or machine-readable form R 00-75.
    - c) For a copy in a computer-readable form;
      - i. compact disc R 70-00.
    - d) For a transcription of visual images;
      - iii. for an A4-size page or part thereof R 40-00,
      - iv. for a copy of visual images R 60-00.
    - e) For a transcription of an audio record;
      - iii. for an A4-size page or part thereof R 20-00;
      - iv. for a copy of an audio record R 30-00.
    - f) To search for and prepare the record for disclosure, R 30-00 for each hour or part of an hour reasonably required for such search and reparation.
  - 2) For purposes of section 54(2) of PAIA, the following applies:
    - a) six 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.
  - 3) The actual postage is payable when a copy of a record must be posted to a requester.

#### **Licentia Franchise SA (Pty) Ltd**

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