

**DURBAN ICC**

INTERNATIONAL CONVENTION CENTRE  
DURBAN

**Durban ICC (SOC) LIMITED**

**1992/005887/30**

**MANUAL COMPILED IN COMPLIANCE WITH SECTION  
14 OF CHAPTER 2 OF PART 2 OF THE PROMOTION  
OF ACCESS TO INFORMATION ACT,  
ACT NO. 2 OF 2000 (PAIA)**

**VERSION 2 – 12 FEBRUARY 2020**

**AFRICA'S LEADING CONVENTION CENTRE**

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## **1. INTRODUCTION**

The Promotion of Access to Information Act, No. 2 of 2000 ("the Act") was enacted on 3 February 2000, giving effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any right. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released. The Act sets out the requisite procedural issues attached to the request.

## **2. PURPOSE AND SCOPE OF THE MANUAL**

Section 14 of the Act obliges public bodies to compile a manual which would assist a person to obtain access to information held by such public body and stipulates the minimum requirements a manual has to comply with. As required under section 14, the manual contains the following information:

- 2.1 the structure and functions of the Durban ICC;
- 2.2 contact details;
- 2.3 a description of the guide referred to in section 10 of the Act, if available, and how to obtain access to it;
- 2.4 categories of information available without formal request;
- 2.5 a description of the records available in accordance with any other legislation;
- 2.6 a description of the subjects on which the Durban ICC holds records and the categories of records held on each subject; and
- 2.7 such other information as may be prescribed.

Section 9(b) (i) of the Act however recognises that the right to access to information may be subject to justifiable limitations, including, but not limited to limitations aimed at the reasonable protection of privacy, commercial confidentiality; and effective, efficient and good governance.

Section 9(b) (ii) of the Act further recognises that the right to access to information must be given effect to in a manner which balances the right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to "Public Body" in this manual, it will refer to the Durban ICC, A state owned entity which eThekweni Municipality is the sole shareholder, for whom this manual is drafted.

### **3. STRUCTURES AND FUNCTIONS OF THE DURBAN ICC IN TERMS OF SECTION 14(1)(a)**

“Durban ICC” means a state owned company registered under the company laws of the Republic of South Africa under registration number 1992/005887/30.

#### **Structures of the Durban ICC**

The CEO is responsible for the general management of the Durban ICC and reports directly to the Board. The CEO has appointed Directors responsible for each department at the Durban ICC, namely:

1. Finance
2. Human Resources
3. Marketing, Sales and Events
4. Operations
5. Culinary
6. Facilities

#### **Functions of the Durban ICC**

Is to design, develop and provide convention and event facilities, including the preparation process of various perishable food products, be it raw or semi-prepared, to a stage of being fully prepared/cooked and also the sale of alcoholic beverages.

**4. CONTACT DETAILS OF INFORMATION OFFICERS AND DEPUTY INFORMATION OFFICERS IN TERMS OF SECTION 14(1)(B)**

**Information Officer**

<b>Name &amp; Designation</b>	<b>Postal Address</b>	<b>Physical Address</b>	<b>Telephone Number</b>	<b>E mail Address</b>
Lindiwe Rakharebe	PO BOX 155, Durban, 4000	45 Bram Fischer Road, Durban.	031 360 1000	<a href="mailto:lindiwer@icc.co.za">lindiwer@icc.co.za</a>

**Deputy Information Officer**

<b>Name &amp; Designation</b>	<b>Postal Address</b>	<b>Physical Address</b>	<b>Telephone Number</b>	<b>E mail Address</b>
Yashmeka Parbhoo	PO BOX 155, Durban, 4000	45 Bram Fischer Road, Durban.	031 360 1189	<a href="mailto:yashmekap@icc.co.za">yashmekap@icc.co.za</a>

**Website**

[www.icc.co.za](http://www.icc.co.za)

**Email Address:** [lindiwer@icc.co.za](mailto:lindiwer@icc.co.za) & [yashmekap@icc.co.za](mailto:yashmekap@icc.co.za)

## **5. THE HUMAN RIGHTS COMMISSION GUIDE**

Section 10 of the Act imposes a duty on the Human Rights Commission to “compile in each official language a guide containing such information in an easily comprehensible form and manner, as may be reasonably required by a person who wishes to exercise any right contemplated in the Act”.

The guide will be available from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission PAIA Unit

Research and Documentation Department

Postal Address: Private Bag 2700

Houghton

2041

Telephone: +27 11 8773600

Fax: +27 11 4030625

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

E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

## **6. ACCESS TO RECORDS HELD BY THE DURBAN ICC**

### **Nature of services**

The Durban ICC, in fulfilling its role, supplies/renders the services in terms of its vision and mission statement.

### **How to gain Access to these services**

The services offered by the Durban ICC can be viewed at [www.icc.co.za](http://www.icc.co.za).

## **7. AUTOMATIC / VOLUNTARY DISCLOSURE**

Information that is freely available from the Durban ICC to the public include, the Annual report, promotional material, press releases, newsletters and information on the company website.

## **8. DESCRIPTION OF SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE DURBAN ICC**

“Records” of the Durban ICC refer to those records created or received in the course of official business and which are kept as evidence of the Durban ICC’s functions, activities and transactions. There are different forms of records, for example correspondence files, maps, plans, registers, agendas and minutes, which could be available in different **media**, e.g. paper, electronic, or on microfilm.

## **9. RECORDS HELD BY THE DURBAN ICC**

**Annexure A** makes up the composite list of all records held by the Durban ICC.

## **10. REQUEST PROCEDURE**

### **Access Given**

When a record/information is requested in terms of the Act, the requester must be given access thereto if the requester complies with the following:

- all the procedural requirements in the Act relating to the request for access to a record; and
- access to the record is not refused on any ground of refusal mentioned in the Act.

### **Form of Request**

The request must be made in writing on the prescribed form, attached as (**Annexure B**), and be forwarded to:

The Information Officer/Deputy Information Officer

The application should clearly state what information is required and if the request is for a copy of a record or whether the requester would like to view the record at the office of the Durban ICC.



The application form must be accompanied by the prescribed request fee (For fees, see **Annexure C**).

If a person asks for access in a particular form, the requester would be given access in the manner that has been asked for, unless doing so would interfere unreasonably with the running of the office, would damage the record, or infringe a copyright not owned by the Durban ICC.

If the requester wishes to be informed of the decision regarding the request in any other manner, e.g. by telephone/fax/e-mail, in addition to a written reply, it must be indicated as such. In cases where the requester is asking for information on behalf of somebody else, the capacity in which the request is being made should be indicated.

When a requester is unable to read or write or has a disability, the request can be made orally. In such a case, the Information Officer/Deputy Information Officer must complete the form on behalf of the requester.

### **Fees Payable**

In terms of the Act, two types of fees are required to be paid, namely the request fee and the access fee.

A requester who seeks access to a record containing personal information about that requester, is not required to pay the request fee. Every other requester must pay the relevant request fee.

The Information Officer/Deputy Information Officer will notify the requester to pay the prescribed fee before further processing the request. The request fee payable is R35 (thirty-five Rand). The requester may lodge an internal appeal or an application to the court against payment of the request fee.

## **Decision and Notice**

After the Information Officer/Deputy Information Officer has made a decision on the request, the requester will be notified thereof within 30 (thirty) days after the request has been received, unless the period to deal with the request has been extended.

If the request is granted, a further access fee must be paid for the search, preparation and reproduction of the record where applicable. See Annexure D for fees payable.

The requester will be given the required information, if available, within a reasonable time after receipt of the application from and prescribed fee.

## **Transfer of Requests**

If a request for access made for information which is not in the possession of the Durban ICC, or if the information is more closely connected to another public body, the request will be transferred within 14 (fourteen) days after the request has been received, to the other body/institution/organisation who could provide the information.

## **Records not found/Does not exist**

In cases where records cannot be found or do not exist and all reasonable steps have been taken to find the requested record, the Information Officer/Deputy Information Officer will by means of an affidavit/affirmation inform the requester accordingly, giving full reasons.

## **Deferral of Access**

Requests may be deferred until information becomes available. The requester will be notified accordingly and requested to make representations within 30 (thirty) days as to why the information is required prior to it becoming public.

## Refusal of Access to Records

The Information Officer/Deputy Information Officer may refuse access to records under the circumstances as provided for in part 2, chapter 4 of the Act.

## Remedies

Remedies available if the Durban ICC does not comply with the provisions of the Act:

A requester may lodge an internal appeal with the Durban ICC against a decision of the Information Officer or Deputy Information Officer if:

- A request for access is refused
- The fees charged are unacceptable
- The period within which a decision with regard to access to a record must be made is extended
- Access to a record is not provided in the requested form
- A third party may lodge an internal appeal with the Durban ICC against a decision by the Information Officer or Deputy Information Officer to disclose information relating to the third party.

## Appeal Procedure

An internal appeal must be lodged on the prescribed form which is attached as **Annexure D** within the following prescribed periods:

- a period of 60 (sixty) days;
- if notice to a third party is required by section 49(1) (b), within 30 (thirty) days after notice is given to the appellant of the decision appealed against or, if notice to the appellant is not required, after the decision was taken.

## The Internal Appeal

Must be delivered, posted, faxed or sent by electronic mail to the Information Officer or to the Deputy Information Officer.

Must identify the subject of the internal appeal and give reasons for the appeal.

Must state the manner in which the applicant wishes to be informed of the decision on the internal appeal, in addition to a written reply.

Must, if applicable, be accompanied by the prescribed appeal fee.

Must specify a postal address, fax number or e-mail address.

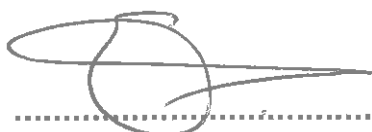
The Information Officer or Deputy Information Officer must within 10 (ten) working days after receipt of an internal appeal, submit it to the Appeal Authority, namely the Chairperson of the Social and Ethics Committee, for consideration.

Late appeals may be allowed if good cause can be shown.

A requester or third party may only apply to a court if the internal appeal procedure against a decision of the Information Officer or Deputy Information Officer has been exhausted.

#### **OTHER INFORMATION AS PRESCRIBED IN TERMS OF SECTION 14(1) (I)**

There is currently no information available from the Minister of Justice and Constitutional Development in terms of section 92 to be placed here.



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**Approved By CEO: Lindiwe Rakharebe**

**Date: 12 February 2020**

## ANNEXURE A

### SUBJECTS AND CATEGORIES OF RECORDS HELD BY MUNICIPALITY

[These records are available subject to a person having to request access in terms of the Act and subject to such information not being excluded from disclosure in terms of the act.]

#### 1. **Company Records**

- 1.1 Internal policies and procedures
- 1.2 Financial and accounting records
- 1.3 Invoices and supporting documentation
- 1.4 Bank statements and records of investments held
- 1.5 Details of turnover
- 1.6 VAT records
- 1.7 Asset and infrastructure management records
- 1.8 Legal and Statutory compliance
- 1.9 BBBEE verification
- 1.10 Audit reports
- 1.11 Board meeting registers
- 1.12 Marketing records
- 1.13 Operational records
- 1.14 Project management records including building plans and machinery upgrades
- 1.15 Databases
- 1.16 ISO management systems records (ISO 9001, 22000, 14001, OHSAS 18001)
- 1.17 Health and safety records
- 1.18 Information technology
- 1.17 Corporate Social Investment (CSI)

#### 2. **Human Resources Records**

- 2.1 Contracts of employment
- 2.2 Letters of appointment
- 2.3 Personal information
- 2.4 Staff vacancy circulars and advertisements
- 2.5 Salary and remuneration package details
- 2.6 Pension fund records
- 2.7 Employment equity reports
- 2.8 Internal evaluation records
- 2.9 Training and development plans and records
- 2.10 Details of disciplinary hearings

#### 3. **Supplier, Service Provider and Subcontractor Records**

- 3.1 Agreements, contracts and correspondence with suppliers, service providers and subcontractor including transactional records

#### 4. **Customer and Client Records**

- 4.1 Contracts
- 4.2 Booking schedules and confirmations of hire
- 4.3 Events schedule

**ANNEXURE B**

**Request Form**

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

(Section 18(1) of the Promotion of Access to Information Act, 2000) (Act No. 2 of 2000)

[Regulation 6]

<p><u>FOR DEPARTMENTAL USE</u></p> <p>Reference Number: _____</p> <p>Request received by _____</p> <p>(State rank, name and surname of Information Officer/Deputy Information Officer)</p> <p>on (date) _____ at (place) _____.</p> <p>Request fee (if any): R.....</p> <p>Deposit (if any): R.....</p> <p>Access fee: R.....</p> <p>_____</p> <p>SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER.</p>
--

A. Particulars of public body

The Information Officer/Deputy Information Officer

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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 name 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: \_\_\_\_\_

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.  
(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: \_\_\_\_\_



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 below, 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 for access 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:**

<input type="checkbox"/>	Copy of Record*	<input type="checkbox"/>	Inspection of record
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**2. If record consists of visual images; (This includes photographs, slides, video recordings, computer-generated images, sketches etc.)**

<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy of the images*	<input type="checkbox"/>	Transcription of images*
--------------------------	-----------------	--------------------------	---------------------	--------------------------	--------------------------

**3. If record consists of recorded words of information which can be reproduced in sound:**

<input type="checkbox"/>	Listen to sound track(Audio cassette)	<input type="checkbox"/>	Transcription of soundtrack* (written or printed document)
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**4. If record is held on computer or in an electronic machine-readable form:**

<input type="checkbox"/>	Printed copy of record*	<input type="checkbox"/>	Printed copy of information derived from the record*	<input type="checkbox"/>	Copy in computer readable form* (USB drive or compact disc)
--------------------------	-------------------------	--------------------------	--	--------------------------	---

*If you requested a copy of transcription of record (above), do you wish the copy of transcription to be posted to you <b>Postage is payable</b>	YES	NO
--	-----	----

*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*

In which language would you prefer the record \_\_\_\_\_

F. Form of access to record (see overleaf)

**G. 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 on the decision regarding your request to the record?

---

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

---

**SIGNATURE OF REQUESTER/PERSON ON  
WHOSE BEHALF REQUEST IS MADE**

## ANNEXURE C

### FEES PAYABLE

(In terms of Regulation 187 dated 15 February 2002)

<b>REQUEST FEE, OTHER THAN PERSONAL REQUESTER</b>	<b>R35</b>
<b>REPRODUCTION/ACCESS FEES</b>	
The manual: For every photocopy of an A4-size page or part thereof. Also any other A4-size photocopy	<b>60c</b>
Every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	<b>40c</b>
For a copy in a computer-readable form on:  USB Drive compact disc	<b>R5</b> <b>R40</b>
Transcription of visual images, for an A4-size page or part thereof	<b>R22</b>
For a copy of visual images	<b>R60</b>
For a transcription of an audit record for an A4-size page or part thereof	<b>R12</b>
For a copy of an audio record.	<b>R17</b>

To search for and prepare the record for disclosure, R15 for each hour or part of an hour, excluding the first hour, reasonably required for search and preparation.

For the purposes of section 22(2) of the Act, the following applies:

- (a) Six hours as the hours to be exceeded before a deposit is payable.
- (b) One third of the access fee is payable as a deposit by the requester.

The actual postage is payable by the requester when a copy of a record must be posted.

## ANNEXURE D

### Durban ICC

#### NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 8]

STATE YOUR REFERENCE NUMBER:

.....

#### A. PARTICULARS OF PUBLIC BODY

##### Information Officer

Name & Designation	Postal Address	Physical Address	Telephone Number	E mail Address
Lindiwe Rakharebe  CEO	PO BOX 155, Durban 4000	45 Bram Fischer Rd, Durban, 4001	031 360 1000	<a href="mailto:Lindiwer@icc.co.za">Lindiwer@icc.co.za</a>

**Deputy Information Officer**

Name & Designation	Postal Address	Physical Address	Telephone Number	E mail Address
Yashmeka Parbhoo Assistant Company Secretary	PO BOX 155, Durban, 4000	45 Bram Fischer Rd, Durban 4001	031 360 1189	<a href="mailto:yashmekap@icc.co.za">yashmekap@icc.co.za</a>

**B. PARTICULARS OF REQUESTER/THIRD PARTY WHO LODGES THE INTERNAL APPEAL**

- a) The particulars of the person who lodges the internal appeal must be given below
- b) Proof of the capacity in which appeal is lodged, if applicable, must be attached.
- c) If the appellant is a third person who originally requested the information, the particulars of the requester must be given at 'C' below.

Full Names and Surname:

.....

Identity Number: .....

Postal Address: .....

.....

.....

Telephone Number: .....

Fax Number: .....

E-Mail Address: .....

Capacity in which an internal appeal on behalf of another person is lodged:

.....

.....

.....

**C. PARTICULARS OF REQUESTER**

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal

Full Names and Surname:

.....

Identity Number: .....

**D. THE DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED**

Mark the decision against which the internal appeal is lodged with an "X" in the appropriate box.

	Refusal of request for access
	Decision regarding fees prescribed in terms of section 22 of the Act.
	Decision regarding the extension of the period within which request must be dealt with in terms of section 26(1) of the Act.
	Decision in terms of section 29(3) of the Act to refuse access in the form as requested by the requester.
	Decision to grant request for access.

**E. GROUNDS FOR APPEAL**

If the provided space is inadequate, please continue on a separate folio and attach it to this form. You must sign all the additional folios.

1. State the grounds upon which the internal appeal is based.

.....  
.....  
.....  
.....  
.....  
.....  
.....

2. State any other information that may be relevant in considering the appeal.

.....  
.....  
.....

**F. NOTICE OF DECISION ON APPEAL**

You will be notified in writing of the decision on your internal appeal. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

1. State the manner

.....

2. Particulars of manner

.....  
.....  
.....  
.....

Signed at..... This ..... day of .....20.....

**FOR DEPARTMENTAL USE**

**OFFICIAL RECORD OF INTERNAL APPEAL**

Appeal received on: ..... (date)

by .....  
.....

(State rank, name and surname of Information Officer/Deputy Information Officer)

Appeal accompanied by the reasons for the Information Officer's/Deputy Information Officer's decision and, where applicable, the particulars of any third party to whom or which the records relate, submitted by the Information Officer/Deputy Information Officer on .....(date) to the relevant authority.

**OUTCOME OF APPEAL**

.....