

**PROMOTION TO  
ACCESS OF INFORMATION ACT,**

**ACT 2 OF 2000 (The Act)**

**SECTION 51 MANUAL FOR  
*MARKETING RESEARCH FOUNDATION***

# PROMOTION TO ACCESS OF INFORMATION ACT, ACT 2 OF 2000 (The Act)

## SECTION 51 MANUAL FOR MARKETING RESEARCH FOUNDATION

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## **INTRODUCTION TO MARKETING RESEARCH FOUNDATION**

MARKETING RESEARCH FOUNDATION is a non-profit company with Members, and its main objects are, *inter alia*, to establish, commission and manage comprehensive, valid, reliable, continuous consumer behaviour research, surveys, investigations and reports, that provide data for targeting and segmentation of markets as well as multi-media and multi-product/brand usage information that reflect the totality and complexity of the South African society.

### **PARTICULARS IN TERMS OF SECTION 51**

The reference, in this Manual, 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.

#### **1 CONTACT DETAILS**

**The information officer:** Johann Koster

**Postal address:** P O Box 98874  
Sloane Park  
Gauteng  
2152

**Street address:** 54 Queens Road  
Bryanston  
Gauteng  
2190

**Telephone:** 011 4635340

**Facsimile:** 0866 353 592

**E-mail:** [mrf@mrfesa.co.za](mailto:mrf@mrfesa.co.za)

#### **2 THE GUIDE AS DESCRIBED IN SECTION 10**

The guide will be available from the Human Rights Commission by no later than 30 June 2021. Please direct any queries to:

##### **The Human Rights Commission**

**Postal address:** Private Bag 2700  
Houghton  
2041

**Telephone:** +27 11 484 8300

**Facsimile:** +27 11 484 0582

**Website:** <http://www.sahrc.org.za>

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

### **3 CATEGORIES OF RECORDS OF MARKETING RESEARCH FOUNDATION WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF THE ACT IN TERMS OF SECTION 52(2)**

MARKETING RESEARCH FOUNDATION is not obliged to publish a notice in terms of Section 52(2) of the Act and to date has not elected to do so.

### **4 RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION**

Records are kept in accordance with the following legislation:

- Basic Conditions of Employment Act No 75 of 1997
- Close Corporations Act No. 69 of 1984
- Companies Act No. 71 of 2008
- Employment Equity Act No. 55 of 1998
- Income Tax Act No. 95 of 1967
- Labour Relations Act No. 66 of 1995
- Skills Development Act No. 97 of 1998
- Skills Development Levies Act No. 9 of 1999
- Stamp Duties Act No. 77 of 1968
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 30 of 1966
- Value Added Tax Act No. 89 of 1991

### **5 HOW TO REQUEST A RECORD – A DESCRIPTION OF THE SUBJECTS OF THE RECORDS**

#### **5.1 How to request a record**

- ◆ Section 53 prescribes that the requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body, or his duly authorised deputy. This request must be made to the address, facsimile number or electronic mail address of the body concerned.
- ◆ The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also 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 head of the private body.

- ◆ The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- ◆ The fee for private bodies is R50. The requester may lodge an internal appeal or an application to the court against the tender or payment of the requested fee.
- ◆ If the request is granted then a further access fee must be paid for the reproduction and the search and preparation, and for the time that has exceeded the prescribed hours to search and prepare the record for disclosure.

The head of the private body will then make a decision on the request and notify the requester in the required form.

## **5.2 Categories of record held by MARKETING RESEARCH FOUNDATION**

We maintain records on the following categories and subject matters. 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. In particular, there may be applicable grounds of refusal of such a request, as set out in the Act.

- ◆ Internal records:
  - Memorandum of Incorporation
  - Financial records
  - Operational records
  - Internal correspondence
  - Service records
  - Statutory records
  - Internal policies and procedures
  - Minutes of meetings
- ◆ Personnel records
  - Personal records provided to us by our personnel
  - Records a third party has provided to us about our personnel
  - Conditions of employment and other personnel related contractual and quasi-legal records
  - Employment policies and procedures
  - Internal evaluation and disciplinary records
- ◆ Client related records
  - Contracts with clients and between the clients and other persons
  - Working papers and notes
  - Records, reports, designs and the like generated by our organisation for our clients
- ◆ Other parties
- ◆ Other records
  - Procurement and administration for your organisation

## **6 PRESCRIBED ACCESS FORM AND FEES**

In terms of section 53, a request for access to a record of MARKETING RESEARCH FOUNDATION must be made in the prescribed form at the address, fax number or electronic mail address as given above. MARKETING RESEARCH FOUNDATION may withhold a record until the request fee and the deposit have been paid (listed under paragraph 10 of this document).

## **7 AVAILABILITY OF THE MANUAL**

This manual is available from 1 July 2021 from the Human Rights Commission (see details above) and MARKETING RESEARCH FOUNDATION (see details above)

## **8 TYPES OF RECORDS**

The requestor may request access to the following types of documents:

- Personnel records
- Customer-related records
- Private body records
- Info available under other legislation

## **9 DECISION MAKING PROCESS**

The information officer will take all reasonable steps to find a record that has been requested. The information officer will respond within 30 days, or if need be, 60 days.

## **10 FEES IN RESPECT OF PRIVATE BODIES**

8.1 The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

8.2 The fees for reproduction referred to in regulation 11(1) are as follows:

	R
For every photocopy of an A4-size page or part thereof	1,10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
For a copy in a machine-readable form on:	
◆ Stiffy disc	7,50
◆ Compact disc	70,00
For a transcription of visual images, for an A4-size page or part thereof	40,00
For a copy of visual images	60,00

For a transcription of an audio record, for an A4-size page or part thereof 20,00

For a copy of an audio record 30,00

8.3 The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

8.4 The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
For every photocopy of an A4-size page or part thereof	1,10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
For a copy in a machine-readable form on:	
♦ Compact disc	70,00
For a transcription of visual images, for an A4-size page or part thereof	40,00
For a copy of visual images	60,00
For a transcription of an audio record, for an A4-size page or part thereof	20,00
For a copy of an audio record	30,00

To search for and prepare the record for disclosure. R30,00 for each hour or part of an hour reasonably required for such search and preparation.

For purposes of section 54(2) of the Act, the following applies:

Six hours as the hours to be exceeded before a deposit is payable; and

One third of the access fee is payable as a deposit by the requester.

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

**PRESCRIBED REQUEST FORM**

**REQUEST FOR ACCESS TO RECORD OF A PRIVATE BODY**  
(Section 53(1) of the Promotion of Access to Information Act, Act 2 of 2000)

**A. Particulars of private body**

The Head: MARKETING RESEARCH FOUNDATION

**B. Particulars of person requesting access to the record**

Full names and surname :  
Identity number :  
Postal address :  
Telephone number :  
Fax number :  
E-mail address :  
Capacity in which the request is made, when made on behalf of another person (proof of capacity to be attached) :

**C. Particulars of person on whose behalf request is made**

(To be completed if the request is made on behalf of another person)

Full names and surname :  
Identity number :

**D. Particulars of record**

(If the provided space is inadequate, please continue on a separate page and attach it to this form. **The requester must sign all additional pages.**)

Description of record or relevant part of record:

Reference number (if available):

Any further particulars of record:

**E. Fees**

The request for the record will only be processed after a request fee has been paid.

You will be notified of the amount payable.

The fee is dependent on the form in which access is required and the reasonable time required to search for and prepare the record.

If you qualify for exemption of the payment of any fee, please state the reason for exemption:

**F. Forms of access to record**

Compliance with your request in the specified form may depend on the form in which the record is available.

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.

The fee payable for access to the record, if any, will be determined partly by the form in which access is required.

Please mark the appropriate boxes with an **X**

i. If the record is in written or printed form:

Copy of the record \*  Inspection of record

ii. If the record consists of visual images:

View the images  Copy of image \*  Transcription of images \*

iii. If the record consists of recorded words or information that can be reproduced in sound:

Listen to the soundtrack  Transcription of the soundtrack \*

iv. If the record is held on computer or in an electronic or machine-readable format:

Printed copy of record \*  Copy in computer readable form \*

Printed copy of information derived from record \*

\* If you requested a copy or transcription of a record, do you wish the copy or transcription to be posted to you?

Postage is payable.

Yes

No

**G. Particulars of right to be exercised or protected**

(If the provided space is inadequate, please continue on a separate page and attach it to this form. **The requester must sign all additional pages.**)

Indicate which right is to be exercised or protected:

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Explain why the record requested is required for the exercise or protection of the aforementioned right:

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**H. Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved or 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 of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Signature of Requestor