

MANUAL for the Cape Philharmonic Orchestra
Prepared in terms of the requirements of the
PROMOTION OF ACCESS TO INFORMATION ACT No 2 of 2000
(hereinafter referred to as “the Act”)

Introduction

The Promotion of Access to Information Act gives 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 rights. The Act sets out the requisite procedures associated with any such requests for information.

In terms of the Act, where a request for information is made to a body, there is an obligation to provide the information, except where the Act, expressly provides that the information may not be released. In that context, Section 9 of the Act recognises that access to information can be limited. The limitation relates to circumstances where its release would pose a threat to the protection of privacy, commercial confidentiality and the exercising of efficient governance.

Part 1: Company and Contact Details

Name of Company: Cape Philharmonic Orchestra
Nature of Business: Incorporated under Section 21

M.D./Head/CEO of Company

Name: Mr L Heyneman
Postal Address: P O Box 4040
Cape Town
8000
Street Address: 4th Floor Artscape Theatre Centre
D F Malan Street
Foreshore 8001
Telephone Number: +27 21 410 9809
Telefax Number: +27 21 425 1009
Email Address: info@cpo.org.za

Information Officer:

Name: Mr L Heyneman
Postal Address: P O Box 4040
Cape Town
8000
Telephone Number: +27 21 410 9809
Telefax Number: + 27 21 425 1009
Email Address: info@cpo.org.za

Note: Public information on the company is available on the company's website www.cpo.org.za, or in brochure form.

Part 2 Guide to the Manual and its Access

At the time of the preparation of this Manual, the South African Human Rights Commission had not compiled the guide contemplated in Section 10 of the Act. It is understood that the guide is to contain such information as may reasonably be required by a person who wishes to exercise any rights contemplated in the Act. Therefore, any enquiries relating to this guide should be directed to:

The South African Human Rights Commission PAIA Unit **The Research and Documentation Department**

Postal Address: Private Bag 2700
Houghton
2041
Telephone Number: +27 11 484 8300
Telefax Number: +27 11 484 7146
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

Part 3 Records

Records available in terms of Section 52(2) of the Act:

Not applicable

Records that are held by the Cape Philharmonic Orchestra:

1. Financial
 - Financial Statements
 - Banking
2. Personnel
 - Employment Contracts
3. Statutory
 - Basic Conditions of Employment Act. No. 75 of 1997
 - Companies Act No. 61 of 1973
 - Compensation for Occupational Injuries & Health Diseases Act No. 130 of 1993
 - Employment Equity Act No. 55 of 1998
 - Income Tax Act No. 58 of 1962
 - Labour Relations Act No. 66 of 1995
 - Pension Funds Act No. 24 of 1956
 - Promotion of Access to Information Act No. 2 of 2000
 - Skills Development Act No. 97 of 1998
 - Skills Development Levies Act No. 9 of 1999
 - Unemployment Contributions Act No. 4 of 2002
 - Unemployment Insurance Act No. 36 of 2001
 - Value Added Tax Act No. 89 of 1991

Part 4 Information Request Procedure

To request a document in terms of the Act, the requester must use the prescribed form. This must be submitted to the Information Officer of the Company. The requester must provide

sufficient detail to enable the company to identify the record and the requester. The requester

must identify the right that he/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 the request is made on behalf of a person, the requester must submit proof of the capacity in which the requester is making the request.

In terms of Section 63 of the Act, the head of the Company must refuse a request for access to a record if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual. Furthermore, he must refuse a request for access to a record of the Company/ CC/ Association if the record contains trade secrets, financial, commercial, scientific and technical information, the disclosure of which could harm the interests of the Company. Similarly, in terms of section 64 of the Act, the above refusal grounds apply in respect of the commercial information of third parties held by the Company. Access to such records will require the written permission of the third party concerned before the Company will permit access to view.

In accordance with the above mandatory refusal grounds, the M.D./Information Officer will make a decision whether to accede to a request for access to information.

Any search, reproduction and document preparation necessitated by requests for information will be undertaken in accordance with the prescribed fees.

Part 5 Manual Availability

In addition to the availability of this Manual at the South African Human Rights Commission, this Manual is available on the website www.cpo.org.za or may also be obtained from the Information Officer of the Cape Philharmonic Orchestra. In respect of hard copies, any transmission costs/postage will be for the account of the requester.