

**MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT 2 OF 2000 AND THE PROTECTION OF PERSONAL
INFORMATION ACT 4 OF 2013**

FOR

**AVROY SHLAIN COSMETICS PROPRIETARY LIMITED
(REGISTRATION NUMBER: 1992/002125/07)**

Avroy Shlain Cosmetics (Pty) Ltd
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TABLE OF CONTENTS

1	INTRODUCTION	3
2	OVERVIEW OF AVROY SHLAIN	4
3	INFORMATION OFFICER AND CONTACT DETAILS OF AVROY SHLAIN	4
4	GUIDE ON HOW TO USE PAIA	5
5	NOTICE IN TERMS OF SECTION 51(1)(C)	5
6	RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION IN TERMS OF SECTION 51(1)(D)	6
7	INFORMATION REQUIRED IN TERMS OF SECTION 51(1)	7
8	PROCESSING OF PERSONAL INFORMATION.....	8
9	HOW TO REQUEST ACCESS TO A RECORD.....	13
10	PAYMENT OF FEES.....	13
11	APPLICABLE TIME-PERIODS	15
12	OUTCOME OF THE REQUEST (GRANTING OR REFUSING)	15
13	GROUND FOR REFUSAL OF ACCESS TO RECORDS.....	15
14	REMEDIES FOR REFUSAL	16
15	AVAILABILITY OF THE MANUAL	16
16	UPDATING OF THIS MANUAL	16

ANNEXURES

ANNEXURE A –FORM C

ANNEXURE B –FORMS 1 AND 2

ANNEXURE C –FEES

1 INTRODUCTION

- 1.1 This manual is published pursuant to section 51 of the Promotion of Access to Information Act 2 of 2000 ("**PAIA**") which was promulgated in order to nurture an ethos which promotes transparency, accountability and effective governance of all private and public bodies. PAIA gives effect to section 32 of the Constitution of the Republic of South Africa, 1996, which provides for the right of access to information in a manner that affords persons a means/platform to obtain the records of private and public bodies as promptly and as efficiently as reasonably possible to endorse, including but not limited to, mechanisms and procedures that empower and educate all persons.
- 1.2 PAIA requires organisations to compile a manual as a guide to requesters of information. The Manual also serves to indicate the types of records held by Avroy Shlain Cosmetics Proprietary Limited ("**Avroy Shlain**") and the availability of such records from Avroy Shlain.
- 1.3 In addition, the manual explains how to access, or object to, or request correction or deletion of, personal information held by Avroy Shlain, in terms of sections 23, 24 and 25 of the Protection of Personal Information Act 4 of 2013 ("**POPIA**"), and the Regulations Relating to the Protection of Personal Information, 2017 ("**POPIA Regulations**").
- 1.4 This manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in PAIA. Requestors are advised to familiarise themselves with the provisions of PAIA and POPIA before making any requests to Avroy Shlain in terms of these Acts. However, in terms of section 19 of PAIA, and Regulations 2 and 3 of the POPIA, Avroy Shlain will provide such assistance as is required in completing the necessary forms, by parties applying for access to information or personal information.
- 1.5 Avroy Shlain makes no representation and gives no undertaking or warranty that the information in this manual or any information provided by it to a

requestor is complete or accurate, or that such information is fit for any purpose. All users of any such information use such information entirely at their own risk, and Avroy Shlain will not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this manual or of any information provided by Avroy Shlain or from any error therein.

2 OVERVIEW OF AVROY SHLAIN

2.1 Avroy Shlain is a cosmetics based company focused on uplifting our customers' positive self-image. Avroy Shlain has its roots as a skincare brand founded in 1973 by Avroy and Beryl Shlain with the guiding principle of positivity and empowerment to all our customers.

2.2 Today, this guiding principle is still recognised in everything we do and, over time, we added more ranges to our product offering including makeup, body care, hair care and fragrances – each aimed at enhancing natural beauty and building a positive self-image.

3 INFORMATION OFFICER AND CONTACT DETAILS OF AVROY SHLAIN

3.1 The Information Officer of Avroy Shlain is Ms Michele Lima whose contact details are as follows –

Name	Contact details
Ms Michele Lima	Telephone no: 011 655 3617 Email: popia@avroyshlain.co.za

3.2 The contact details for the Head Office of Avroy Shlain are as follows –

Physical address Head office	162 Tonetti Street Growthpoint Business Park, Stand 8 Midrand, Johannesburg South Africa
Postal address Head office	Private Bag X46 Halfway House, 1685

| South Africa

4 GUIDE ON HOW TO USE PAIA

- 4.1 On 1 July 2021, the Information Regulator assumed the functions of the South African Human Rights Commission ("SAHRC") and became responsible for PAIA and POPIA queries.
- 4.2 As part of its functions, the Information Regulator will publish a guide on how to use PAIA and POPIA in the new dispensation. The Information Regulator has not yet published a guide to this effect.
- 4.3 The SAHRC has previously developed a guide with information on how to use PAIA. This guide is available on the SAHRC website at <https://www.sahrc.org.za>.
- 4.4 Any information or queries related to the guide, or to PAIA or POPIA should be directed to –

Information Regulator

JD House
27 Stiemens Street
Braamfontein
Johannesburg
2001

Telephone number: (012) 406 4818
Fax number: (086) 500 3351
Website: www.justice.gov.za/inforeg
E-mail: inforeg@justice.gov.za

5 NOTICE IN TERMS OF SECTION 51(1)(C)

- 5.1 At this stage, no notices have been published by the Information Regulator on the categories of records automatically available without a person having to request access thereto in terms of PAIA.

5.2 The records that are located on the Avroy Shlain website are however automatically available to any person requesting this information and it is therefore not necessary to apply for access thereto in terms all PAIA. The website address is <https://avroyshlain.co.za/>.

6 RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION IN TERMS OF SECTION 51(1)(D)

Records are kept in accordance with legislation as is applicable to Avroy Shlain, which include (but may not be limited to) the following legislation –

- 6.1 Basic Conditions of Employment Act 75 of 1997;
- 6.2 Companies Act 71 of 2008;
- 6.3 Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- 6.4 Competition Act 89 of 1998;
- 6.5 Consumer Protection Act 68 of 2008;
- 6.6 Employment Equity Act 55 of 1998;
- 6.7 Financial Markets Act 19 of 2012
- 6.8 Electronic Communications and Transactions Act No 2 of 2000
- 6.9 Financial Intelligence Centre Act No 38 of 2001
- 6.10 Income Tax Act No 58 of 1962;
- 6.11 Labour Relations Act No 66 of 1995;
- 6.12 Promotion of Access to Information Act No 2 of 2000;
- 6.13 Protection of Personal Information Act 2013;
- 6.14 Unemployment Insurance Act No 63 of 2001; and
- 6.15 Value-added Tax Act No 89 of 1991.

7 INFORMATION REQUIRED IN TERMS OF SECTION 51(1)

The following table contains a description of the types of records / subjects on which Avroy Shlain holds and the categories of records held on each subject –

Subject	Description of record
Statutory records	<ul style="list-style-type: none"> • Company incorporation documents • Share register • Memorandum of Incorporation • Minutes of meetings of the board of directors • Records relating to the appointment of directors, auditors, and other officers
Income tax	<ul style="list-style-type: none"> • Pay-as-you-earn (PAYE) records • Documents issued to employees for income tax purposes • Records of payments made to South African Revenue Services on behalf of employees • All or any statutory compliance • Value Added Tax • Skills development levies • Unemployment Insurance Fund
Labour relations records	<ul style="list-style-type: none"> • Personnel documents and records • Employment contracts • Medical aid records • Pension Fund records • Disciplinary records • Salary records • Disciplinary code and / or procedures • Leave records • Training records

	<ul style="list-style-type: none"> • Training manuals • Address lists • Internal telephone lists
Finance	<ul style="list-style-type: none"> • Receipts and payments • Bank statements • Budgets • Management accounts • Asset registers • Orders, quotes and invoices • Minutes of meetings • Correspondence
Risk and compliance	<ul style="list-style-type: none"> • Contracts • Policies and procedures • Risk assessment • Compliance records

8 PROCESSING OF PERSONAL INFORMATION

8.1 POPIA

8.1.1 Chapter 3 of POPIA provides for the minimum conditions for lawful processing of Personal Information. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.

8.1.2 Avroy Shlain processes personal information in accordance with POPIA. As stated in our privacy policy, Avroy Shlain will ensure that all processing conditions of POPIA are complied with at the time of processing of personal information. Avroy Shlain processes personal information of both living and juristic persons.

8.2 Purpose for processing of personal information by Avroy Shlain

As stated in our privacy policy, Avroy Shlain processes personal information for a number of reasons including, but not limited to, –

- 8.2.1 to provide products or services to you, to carry out the transaction you requested and maintain our relationship with you;
- 8.2.2 to conduct credit checks;
- 8.2.3 to monitor our website by usage of Google Analytics and Google AdWords;
- 8.2.4 to confirm and verify your identity or to verify that you are an authorised user for security purposes;
- 8.2.5 for the detection and prevention of fraud, crime, money laundering or any other malpractice;
- 8.2.6 to conduct customer satisfaction research, direct marketing and for statistical analysis;
- 8.2.7 process requests for the collection, updating, access or deletion of your personal information;
- 8.2.8 for audit and record keeping purposes;
- 8.2.9 in connection with legal proceedings; and
- 8.2.10 comply with applicable laws, regulatory requirements or industry codes to which we subscribe or which apply to use.

8.3 Categories of data subjects

Avroy Shlain processes personal information relating to the following categories of data subjects –

- 8.3.1 customers;
- 8.3.2 shareholders;
- 8.3.3 beneficiaries;
- 8.3.4 directors;
- 8.3.5 employees and job applicants;
- 8.3.6 juristic entities (i.e. service providers, contractors, consultants);
- 8.3.7 complainants and enquirers;
- 8.3.8 visitors to premises;
- 8.3.9 individuals who have an interest in the products and services of Avroy Shlain.

8.4 Types of information processed

- 8.4.1 As stated in our privacy policy, Avroy Shlain processes the following types of personal information, amongst others, –
 - 8.4.1.1 full names;
 - 8.4.1.2 addresses;

8.4.1.3 contact information such as telephone numbers and email addresses;

8.4.1.4 financial information;

8.4.1.5 transaction history; and

8.4.1.6 your visits to our website.

8.4.2 Please refer to our [privacy policy](#) for further information.

8.5 Disclosure of your personal information

8.5.1 We may disclose your personal information to third parties who are involved in the delivery of products and services to you such as trusted service providers (sub-contractors).

8.5.2 Where Avroy Shlain discloses your personal information to any third party, the latter will be obliged to use that personal information for the reasons and purposes it was disclosed for. To this end, we have agreements in place with these third parties to ensure this and to ensure an adequate level of security and confidentiality for your personal information.

8.5.3 Avroy Shlain may be obliged to disclose your personal information where we have a duty to disclose in terms of law or where we believe it is necessary to protect our rights.

8.6 Trans-border/Cross border flows of personal information

Section 72 of POPIA provides that personal information may only be transferred out of the Republic of South Africa if certain conditions are satisfied. In this regard, should Avroy Shlain engage in any cross border

transfers of personal information outside South Africa, Avroy Shlain will ensure either of the following conditions are in place, that –

- 8.6.1 the third party who is the recipient of the information is subject to a law or binding agreement which provides for an adequate level of protection similar to POPIA;
- 8.6.2 the data subject consents to the transfer;
- 8.6.3 the transfer is necessary for the performance of a contract between the data subject and the responsible party or for the implementation of pre-contractual measures taken in response to the data subject's request;
- 8.6.4 the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the responsible party and a third party; and
- 8.6.5 the transfer is for the benefit of the data subject and it is not reasonably practicable to obtain the consent of the data subject, provided that such consent would be likely given if it were reasonably practicable.

8.7 General description of information security measures

- 8.7.1 Avroy Shlain takes reasonable and appropriate technical and organisational measures to ensure that personal information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration disclosure or access. We contractually require that service providers who handle your personal information for us do the same.
- 8.7.2 Avroy Shlain, on a regular basis, reviews the security controls and related to processes to ensure that personal information is secure.

9 HOW TO REQUEST ACCESS TO A RECORD

- 9.1 To request a record in terms of PAIA, the requestor must complete the prescribed form attached to this manual as Annexure A. This request must be sent to the Information Officer at the addresses provided at paragraph 3.1.
- 9.2 For POPIA-related requests to object to the processing of personal information, correct or delete personal information, the request must be made in writing on the applicable prescribed **Form 1** (objection) or **Form 2** (correction or deletion), which are attached to this Manual as Annexure B.
- 9.3 The requestor must provide sufficient detail to enable the Information Officer to identify the record(s) requested and the requestor. The requestor must indicate which form of access is required, 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.
- 9.4 If the request is made on behalf of another person, the requestor must submit proof of the capacity in which the requestor is making the request, to the reasonable satisfaction of the Information Officer.
- 9.5 PAIA makes provision for certain grounds upon which a request for access to information must be refused. On this basis, the Information Officer will make a decision whether or not to grant a request for access to information.

10 PAYMENT OF FEES

- 10.1 PAIA provides for two types of fees, namely –
- 10.1.1 a request fee, which will be a standard non-refundable administration fee, payable prior to the request being considered; and

- 10.1.2 an access fee, payable when access is granted which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 10.2 Subsequent to a request being made, the Information Officer, shall by notice require the requester, excluding personal requester, to pay the prescribed request fee (if any), before further processing of the request.
- 10.3 If the search for and preparation for disclosure of the record has been made, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, Avroy Shlain will request the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 10.4 Avroy Shlain may withhold a record until the requester has paid the fees as indicated in Annexure C.
- 10.5 A requester whose request has been granted must pay the applicable access fee for reproduction, search, preparation and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 10.6 In terms of POPIA, a data subject has the right to request Avroy Shlain to confirm, free of charge, whether or it holds personal information about the data subject and request from Avroy Shlain the record or a description of the personal information held, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.
- 10.7 POPIA further provides that where the data subject is required to pay a fee for services provided to them, Avroy Shlain must provide the data subject with a written estimate of the payable amount before providing the service and may require that the requestor pay a deposit for all or part of the fee.

11 APPLICABLE TIME-PERIODS

- 11.1 Avroy Shlain will inform the requester within 30 days after receipt of the request of its decision whether or not to grant the request.
- 11.2 The 30 day period may be extended by a further period of not more than 30 days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of Avroy Shlain or the records are not located at Avroy Shlain.

12 OUTCOME OF THE REQUEST (GRANTING OR REFUSING)

Should the request be refused, the notice will state adequate reasons for the refusal, including the provisions of the PAIA relied upon; and that the requester may lodge an application with a Court against the refusal of the request.

13 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

- 13.1 In terms of Section 62 to 69 of PAIA access granted to a record may be refused on one or more of the following grounds –
- 13.1.1 protection of privacy to a third party who is a natural person;
 - 13.1.2 protection of the commercial information of a third party;
 - 13.1.3 protection of certain confidential information of a third person;
 - 13.1.4 protection of the safety of individuals and the protection of property;
 - 13.1.5 protection of records privileged from production and legal proceedings;
 - 13.1.6 the commercial information of Avroy Shlain;

13.1.7 the protection of research information of a third party.

13.2 Despite any provisions of PAIA, a request must be granted if the disclosure of the record would reveal evidence of substantial contravention of, or failure to comply with, the law or imminent and serious public safety or environment risk, and the public interest in the disclosure of the record clearly outweighs the harm contemplated (section 70 of PAIA).

14 REMEDIES FOR REFUSAL

Should the requester be dissatisfied with the Information Officer's decision to refuse access, that person may within 30 days after notification of the refusal apply to a Court for the appropriate relief.

15 AVAILABILITY OF THE MANUAL

This manual is available in electronic and hard copies in English. The hard copies are available at the head office of Avroy Shlain as contained in paragraph 3.2. The electronic version of this manual is available on the website of Avroy Shlain.

16 UPDATING OF THIS MANUAL

This manual will be reviewed and updated, if necessary, on a periodic basis but no less than once each year.

ANNEXURE A –FORM C
FORM C
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Act)
[Regulation 10]

A. Particulars of private body

The Head: _____

Company Name: _____

Company Registration Number: _____

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 names 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: _____

Postal address: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

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

- | |
|---|
| <p>(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.</p> <p>(b) You will be notified of the amount required to be paid as the request fee.</p> <p>(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.</p> <p>(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.</p> |
|---|

Reason for exemption from payment of fees:

F. Form of access to record

<p>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 hereunder, state your disability and indicate in which form the record is required.</p>	
Disability: _____	Form in which record is required: _____
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>	

1. If the record is in written or printed form:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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"/>		<input type="checkbox"/>	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:			
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.		<input type="checkbox"/>	YES
		<input type="checkbox"/>	NO

G. Particulars of right to be exercised or protected

*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. Indicate which right is to be exercised or protected:

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

H. 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 of the decision regarding your request for access to the record?

Signed at _____ this _____ day of _____ 20____

Signature of requestor /
person on whose behalf request is made

Name of requestor /
person on whose behalf request is made

ANNEXURE B-FORMS 1 AND 2

FORM 1

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017

[Regulation 2(1)]

Note:

1. *Affidavits or other documentary evidence in support of the objection must be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*

Reference Number.....

A	DETAILS OF DATA SUBJECT
Name and surname of data subject:	
Residential, postal or business address:	
Contact number(s):	
FAX number:	
E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name and surname of responsible party <i>(if the responsible party is a natural person)</i> :	
Residential, postal or business address:	
Contact number(s):	
FAX number:	
E-mail address:	
Name of public or private body <i>(if the responsible party is not a natural person)</i> :	
Business address:	

FORM 2

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR
DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF
SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013
(ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017
[Regulation 3(2)]**

Note:

*Affidavits or other documentary evidence in support of the request must be attached.
If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and
sign each page.*

Reference Number.....

Mark the appropriate box with an "x".

Request for:

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF DATA SUBJECT
Surname:	
Full names:	
Identity number:	
Residential, postal or business address:	
Contact number(s):	
FAX number:	
E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name and surname of responsible party (if the responsible party is a natural person):	
Residential, postal or business address:	

ANNEXURE C–FEES

FEES PAYABLE IN RESPECT OF RECORDS REQUESTED FROM AVROY SHLAIN

FEES IN RESPECT OF PRIVATE BODIES		
Item	Description	Amount
1	The request fee payable by every requester	R140.00
2	Photocopy/printed black and white copy of A4-size page	R2.00 per page or part thereof.
3	Printed copy of A4-size page	R2.00 per page or part thereof.
4	For a copy in a computer-readable form on: <ul style="list-style-type: none"> • Flash drive (to be provided by requester) • Compact disc <ul style="list-style-type: none"> ○ if provided by requester ○ if provided to the requester 	R40.00 R40.00 R60.00
5	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from service provider.
6	Copy of visual images	
7	Transcription of an audio record, per A4-size page	R24.00
8	Copy of an audio record, per A4-size page <ul style="list-style-type: none"> • Flash drive (to be provided by requestor) • Compact disc <ul style="list-style-type: none"> ○ if provided by requester ○ if provided to the requester 	R40.00 R40.00 R60.00
9	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed the cost of	R140.00 R435.00
10	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11	Postage, e-mail or any other electronic transfer	Actual expense, if any.