



SECTION 51 MANUAL

COMBINED POLICY AND MANUAL

IN TERMS OF

THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

READ WITH

THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013

FOR

VIRTUAL CONSULTING ENGINEERS VCE (PTY) LTD

Registration Number 2008/027738/07

(hereinafter referred to as VCE)

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This combined manual and policy is made available on the VCE company website www.virtualconsulting.co.za and by request from our head office.

A. SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO 2 OF 2000 (THE ACT)

The purpose of this manual is to facilitate requests for access to information about or in the possession of VCE.

This manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in the Act. Requesters are advised to familiarise themselves with the provisions of the Act before making any requests in terms of the Act.

This manual shall in all respects be governed by and construed in terms of the laws of the Republic of South Africa. All users irrevocably agree to the non-exclusive jurisdiction of the Magistrate's Court of South Africa in respect of any dispute arising out of the use of this manual or any information provided by VCE.

1. COMPANY PROFILE AND BACKGROUND INFORMATION

Background information, including the main business activities and company profile is available on the VCE Website: www.virtualconsulting.co.za.

2. GENERAL INFORMATION (SECTION 51(a) of the ACT)

- **Name of Body:** Virtual Consulting Engineers VCE (Pty) Ltd
- **Registration Number:** 2008/027738/07
- **Head of Body:** Shahien Ishmail – Chief Executive Officer

Head Office

- **Physical Address:** Suite1 Groenkloof Forum
57 George Storrar Drive
Groenkloof
Pretoria
Gauteng
0181
- **Postal Address:** P.O. Box 323
Groenkloof
Gauteng
0027
- **Telephone Number:** 012 452 0444
- **Facsimile number:** 012 452 0583
- **Email Address:** info@virtualconsulting.co.za

3. SOUTH AFRICAN HUMAN RIGHTS COMMISSION: PAIA GUIDE

In accordance with section 10 of the Act, the South African Human Rights Commission ("SAHRC") has published a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act.

This Guide appears on the SAHRC's website (www.sahrc.org.za under the "Publications" tab and under the heading "Legislation") and contains the following information:

- **Background:** Why access to information is important

- Access to information
- How to make a request for information (this includes details of the fees to be paid and explains your remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application)
- When access to a record may be refused
- General information
- Public bodies from whom you can access records

Enquiries regarding the Guide can be addressed to the SAHRC, the contact details of which are as follows:

Post: South African Human Rights Commission
Promotion of Access to Information Act Unit
Research & Documentation Department
Private Bag X2700
Houghton 2041

Telephone: +27 11 877 3600
Fax: +27 11 403 0625
Website: www.sahrc.org.za
E-mail: info@sahrc.org.za

4. THE LATEST NOTICE IN TERMS OF SECTION 52(2) OF THE ACT

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

5. RECORDS HELD IN TERMS OF OTHER LEGISLATION (SECTION 51(1)(d) OF THE ACT)

Applicable Legislation	Records Available
Basic Conditions of Employment Act 75 of 1997	Employment Contracts
Employment Equity Act 55 of 1998	Employment Equity Plan
Broad-Based Black Economic Empowerment Act 53 of 2003	BBBEE Certificate
Compensation for Occupational Injuries and Disease Act 130 of 1993	Letter of Good Standing
Companies Act 71 of 2008	Certificate of Registration; Notice of registered office and postal address; Minutes of Board Meetings
Value Added Tax Act 89 of 1991	VAT returns (past 5 years); Clearance Certificate
Income Tax Act 58 of 1962	Income Tax returns (past 5 years); Clearance Certificate
Unemployment Insurance Act 63 of 2001	Registration and declaration of employees

See paragraph 8 for classification and availability of the above.

6. SUBJECTS AND CATEGORIES OF RECORDS HELD BY VCE (SECTION 51(1)(e))

Classification Number	Classification	Access	Applicable Section
1	Public Access Document	May be disclosed	
2	Request after commencement of legal proceedings	May not be disclosed	s7
3	Personal information that belongs to the requester thereof	Limited disclosure	s61
4	Unreasonable disclosure of personal information of Natural Person	May not be disclosed	s63(1)

5	Likely to harm the commercial or financial interests of a third party	May not be disclosed	s64(1)(a) and (b)
6	Likely to harm the Company or third party in contract or other negotiations	May not be disclosed	s64(1)(c)
7	Would breach a duty of confidence owed to a third party in terms of an agreement	May not be disclosed	s65
8	Likely to compromise the safety of the individuals or protection of property	May not be disclosed	s66
9	Legally privileged documents	May not be disclosed	s67
10	Environmental testing which reveals public safety risks	May not be refused	s64(2); s68(2)
11	Commercial information of a Private Body	May not be disclosed	s68
12	Likely to prejudice research and development information of the Company or a third party	May not be disclosed	s69
13	Disclosure in public interest	May not be refused	s70

Subject	Category of Information	Availability	Classification Number
Human Resources	Employment Contracts	Request in terms of PAIA	3,4,8
	BBBEE Certificate	Available on Website	1
	Employment Equity Plan	Request in terms of PAIA	1
	Medical Aid Records/ Medical Information	Request in terms of PAIA	3,4,8
	Pension Fund Records	Request in terms of PAIA	4,8
	Disciplinary Records	Request in terms of PAIA	4,8
	Salary Records	Request in terms of PAIA	4,8
Companies Act Records	Documents of Incorporation	Available from CIPC or request in terms of PAIA	1
	Memorandum and Articles of Association	Available from CIPC or request in terms of PAIA	1
	Minutes of Board/Management Meetings	Request in terms of PAIA	4,6,11
	Records relating to the appointment of directors, auditor and other company officers	Available from CIPC or request in terms of PAIA	1
	Share Register and other statutory registers	Request in terms of PAIA	1
Marketing Records	Services and Company Profile	Available on Website	1
	Client Database	Request in terms of PAIA	11
Legal Records	Service Level Agreements	Request in terms of PAIA	7,11
Financial Records	Annual Financial Statements	Request in terms of PAIA	11
	Tax Returns	Request in terms of PAIA	11
	Clearance Certificate	Request in terms of PAIA	11
	Accounting Records	Request in terms of PAIA	7,11
	Bank Statements	Request in terms of PAIA	7,11
	Asset Register	Request in terms of PAIA	11
	Rental Agreements	Request in terms of PAIA	11
	Invoices	Request in terms of PAIA	11
Income Tax Records	PAYE Records	Request in terms of PAIA	11
	Income Tax documents issued to employees	Request in terms of PAIA	11
	Records of payments made to SARS on behalf of employees	Request in terms of PAIA	3,11
	VAT number	Request in terms of PAIA	1
	UIF	Request in terms of PAIA	11

7. HOW TO MAKE A REQUEST FOR ACCESS – SECTION 51(e)

7.1. The requester must complete **Form C (as prescribed by PAIA)**, attached hereto, and submit this form together with the request fee, to the Information Officer (see page 9 for contact details).

7.2. The form must be submitted to the Information Officer at his address, fax number or electronic mail address as provided under paragraph 4 above.

7.3. The form must:

- 7.3.1. provide sufficient particulars to enable the Information Officer to identify the record/s requested and to identify the requester;
- 7.3.2. indicate which form of access is required;
- 7.3.3. specify a postal address or fax number of the requester in South Africa;
- 7.3.4. identify the right that the requester 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;
- 7.3.5. if in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner;
- 7.3.6. if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the Information Officer.

8. FEES

The Act provides for two types of fees, namely:

- A request fee, which will be a standard, non-refundable fee; and
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

When the request is received by the Information Officer, such officer shall by notice require the requester, **other than a personal requester**, to pay the prescribed request fee (if any), before further processing of the request.

If the search for the record and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The Information Officer shall withhold a record until the requester has paid the required fees.

A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and 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.

If an access fee deposit has been paid in respect of a request which is refused, then the Information Officer must repay the deposit to the requester.

Section 51(1)(f) – Prescribed Fees

Description	Fee
Photocopy of an A4-size page or part thereof	R1,10 per page
Printed copy of an A4-size page or part thereof	R0,75 per page
A copy on a stiffy disc	R7,50 per stiffy disc
A copy on a compact disc	R70,00 per compact disc
Transcription of a visual image on an A4-size page or part thereof	R40,00 per page
Copy of visual images	R60,00 per image
Transcription of audio record on an A4-size page or part thereof	R20,00 per page
Copy of an audio record	R30,00 per record
Request fee payable by a requester other than a personal requester	R50,00 per request

To search and prepare record for disclosure	R30,00 per hour/ part thereof
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For purposes of section 54(2) of the Act, 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.

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

9. AMENDMENTS TO THIS POLICY

Amendments to this Policy will take place on an ad hoc basis. Clients are advised to access the VCE website periodically to inform themselves of any changes.

B. POLICY IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013

10. DEFINITIONS

- | | |
|--------------------------------|---|
| 10.1. Clients | <i>includes inter alia shareholders, employees, debtors and creditors</i> |
| 10.2. Confidential Information | <i>means all information disclosed or obtained by VCE and shall include:</i> <ul style="list-style-type: none"> • <i>Financial information and records</i> • <i>Information relating to the structure, operations, processes, intentions, know-how, trade secrets, market opportunities and business affairs of VCE</i> |
| 10.3. Constitution | <i>refers to the Constitution of the Republic of South Africa Act 108 of 1996</i> |
| 10.4. Data | <i>means electronic representations of information</i> |
| 10.5. Documents | <i>include books, records or accounts and any information that has been stored or recorded in any form</i> |
| 10.6. ECTA | <i>refers to the Electronic Communications and Transactions Act 25 of 2002</i> |
| 10.7. Electronic transactions | <i>include e-mails sent and received</i> |

11. INTRODUCTION TO POPI

The Protection of Personal Information Act 4 of 2013 ("POPI") requires VCE to inform their clients how their personal information is used, disclosed and destroyed.

12. PERSONAL INFORMATION COLLECTED

Section 9 of POPI states that personal information may only be processed if it is adequate, relevant and not excessive given the purpose for which it is processed.

The type of information that VCE requests will depend on the need for which it is collected (which need will be disclosed to clients) and will be processed for that purpose only.

Personal information includes the following:

- Identity number, name, surname, address, postal code, marital status and number of dependants;
- Banking details and other financial information;
- Any other information required by VCE in order to render services to its clients.

This policy is applicable to all existing, future and potential clients and employees.

13. HOW PERSONAL INFORMATION IS USED

Personal information will only be used for the purpose for which it was collected and agreed upon.

According to section 10 of POPI, personal information may only be processed subject to the following conditions:

- (a) Consent by the party whose information is collected for processing;
- (b) The processing is required;
- (c) Processing protects a legitimate right of the relevant party; and
- (d) Processing is necessary for pursuing the interests of VCE.

14. DISCLOSURE OF PERSONAL INFORMATION

VCE retains the right to disclose personal information **collected by it** to any of its joint venture companies or third party service providers, with whom it engages in business or whose services or products clients elect to use. VCE has agreements in place to ensure that other parties comply with its confidentiality and privacy conditions.

Personal information may also be disclosed where there is a legal duty to do so.

15. SAFEGUARDING CLIENTS INFORMATION

Where VCE has a right or obligation to disclose personal information, it may elect to do so without further notice to the interested party.

VCE will continuously review its security controls and processes to ensure that its clients' information is protected.

The following procedures are in place in order to protect your personal information:

- (a) Each new employee will be required to sign an Employment Contract containing the relevant consent clauses for the use and storage of employee information, or any other action so required;
- (b) Every employee currently employed within VCE will be required to sign an addendum to their Employment Contracts containing the relevant consent clauses as described in the previous subparagraph;
- (c) All archived information is stored on a site which the Directors of VCE and the Information Officer have deemed fit for the purposes of POPI;
- (d) All suppliers, insurers and other third party service providers who conduct business with VCE and might be privy to personal information obtained and stored by VCE, will be required to sign a Service Level Agreement guaranteeing their commitment to the protection of personal information under the POPI Act and in accordance with this policy;
- (e) A designated IT specialist is appointed to back up all electronic documents and is also responsible for system security which protects third party access and physical threats;
- (f) A Security Incident Register will be kept to log any security incidents and to report on and manage said incidents this register will be maintained by the Information Officer and Deputy Information Officer.

16. ACCESS AND CORRECTION OF PERSONAL INFORMATION

16.1. Clients have the right to access the personal information VCE holds about them. Clients also have the right to ask VCE to update, correct or delete their personal information on reasonable grounds. Once a client objects to the processing of their personal information, VCE may no longer process said personal information.

16.2. Information Officer Details

- **Name:** Mike Howell
- **Telephone Number:** 012 452 0444

- **Fax Number:** 012 452 0583
- **Physical Address:** Suite1 Groenkloof Forum
57 George Storrar Drive
Groenkloof
Pretoria
Gauteng
0181
- **Postal Address:** P.O. Box 323
Groenkloof
Gauteng
0027
- **E-mail Address:** mike@virtualconsulting.co.za

16.3. Deputy Information Officer Details

- **Name:** Nazeema Shabodien
- **Telephone Number:** 012 452 0444
- **Fax Number:** 012 452 0583
- **Physical Address:** Suite1 Groenkloof Forum
57 George Storrar Drive
Groenkloof
Pretoria
Gauteng
0181
- **Postal Address:** P.O. Box 323
Groenkloof
Gauteng
0027
- **E-mail Address:** nazeema@virtualconsulting.co.za

17. RETENTION & CONFIDENTIALITY OF DOCUMENTS, INFORMATION AND ELECTRONIC TRANSACTIONS

The laws of the Republic of South Africa require that VCE retains documents, which contain personal information, in certain instances. Herewith follows a table of all documents retained in terms of VCE's legal obligation to do so, as well as the minimum period for which it will be retained.

All queries in this regard should be directed to the Information Officer.

Applicable Act	Retention Period	Description of Document(s)
Companies Act 71 of 2008	7 years	Notice and minutes of all shareholders meetings, including resolutions adopted and documents made available to holders of securities; Copies of reports presented at the AGM of the Company; Copies of annual financial statements and accounting records; Record of directors and past directors; Written communication to holders of securities; Minutes and resolutions of director's, audit committee and director's committee meetings.
	Indefinitely	Registration Certificate; Memorandum of Incorporation (including amendments thereto); Securities Register and Uncertified Securities Register; Register of company secretary and auditors.
Consumer Protection Act 68 of 2008	3 years	Full names, physical address, postal address, contact details, ID number or registration number of consumer (client); Services rendered; Amounts, sums, values, charges, fees, remuneration specified in monetary terms.

Applicable Act	Retention Period	Description of Document(s)
Financial Intelligence Centre Act 38 of 2001	5 years	Record of identity of clients who are also accountable institutions as per Schedule 1 of FICA; If the client is acting on behalf of another person, the identity of the principal on whose behalf the client is acting and the client's authority to act on behalf of the principal; If an agent is acting on behalf of the client, the identity of that agent and that agent's authority to act on behalf of the client; The manner in which the identity of the principal or agent was established; Details of the transaction, such as the nature, amounts involved and parties; The name of the person who obtained the identity of the principal or agent.
Compensation for Occupational Injuries and Diseases Act 130 of 1993	4 years	Register, record or reproduction of the earnings, time worked, payment for piece work and overtime and other prescribed particulars of all the employees.
	3 years	Health and Safety recommendations made to VCE in respect of issues affecting the health of employees and of any report made to an inspector with regards to these recommendations; Records of incidents reported at work.
	40 years	Records of risk assessments and air monitoring, as well as medical surveillance records in respect of asbestos, lead and hazardous chemical substances; Records of assessment and noise monitoring and medical surveillance records, including the baseline audiogram of every employee.
Basic Conditions of Employment Act 75 of 1997	3 years	Written particulars of an employee after termination of employment; Employee's name and occupation (job description); Time worked by each employee; Remuneration paid to each employee; Date of birth of any employee under the age of 18 years.
Employment Equity Act 55 of 1998	3 years	Records in respect of the company's workforce and employment equity plan; Report which is sent to the Director General of the Department of Labour as indicated in the Act.
Unemployment Insurance Act 63 of 2002	5 years	Personal records of each of the current employees, including names, identification numbers, monthly remuneration and address where employees are employed.
Income Tax Act 58 of 1962	5 years	Amount of remuneration paid or due by VCE to employees; The amount of employees tax deducted or withheld from the remuneration paid or due; The income tax reference number of employees; Employer reconciliation return.
Value Added Tax Act 89 of 1991	5 years	Where a vendor's basis of accounting is changed the vendor shall prepare a list of debtors and creditors showing the amounts owing to creditors at the end of the tax period immediately preceding the changeover period; Importation of goods, bill of entry, other documents prescribed by the Custom and Excise Act and proof that the VAT charge has been paid to SARS; Records of all goods and services, rate of tax applicable to supply, list of suppliers, invoices and tax invoices, credit and debit notes, bank statements, deposit slips, stock lists and paid cheques; Documentation substantiating zero rating (when applicable).

18. DESTRUCTION OF DOCUMENTS

- 18.1. Documents must be destroyed after the termination of the retention period specified in paragraph 17 above, unless further retention is allowed in accordance with the provisions of Section 14 of POPI.
- 18.2. Section 51 of ECTA also requires that personal information which has become obsolete be destroyed immediately. Personal information does not become obsolete with the death of an employee or client and should be retained as per paragraph 17 above.
- 18.3. Destruction of documents is done on a regular basis. Files are checked biannually for destruction and to ascertain if there are important original documents in the file. Where files are cleared for destruction, original documents are returned to the holder thereof, failing which, VCE retains the original documents for a further 6 (six) months before destroying same.



FORM C

071216.Non Controlled Form

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act No.2 of 2000)
[Regulation 10]

A. Particulars of private body

Mike Howell
Information Officer
Virtual Consulting Engineers VCE (Pty) Ltd

Email Address: mike@virtualconsulting.co.za

Fax Number: 012 452 0583

B. Particulars of person requesting access to the record

The particulars of the person who requests access to the record must be given below.
The postal or email address and/or fax number in the Republic of South Africa to which the information is to be sent must be given.
Proof of capacity in which the request is made must be attached, if applicable.

Full Names: _____

Surname: _____

Identity Number: _____

Postal Address: _____

Fax Number: _____

Email Address: _____

Telephone Number: _____

Capacity in which request is made, when made on behalf of another person (if applicable):

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: _____

Surname: _____

Identity Number: _____

D. Particulars of record

Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the location and identification of the document.
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 at the bottom right hand corner of each folio.

Description of record or relevant part of the record:

Reference Number (if available): _____

Any further particulars of record:

E. Fees

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.
You will be notified of the amount required to be paid as a request fee.
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.
If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by 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.

Disability: _____

Form in which record is required:

Mark the appropriate box with an 'X'.

NOTES:

- (a) Compliance with your request 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		
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 cd	<input type="checkbox"/>	transcription of soundtrack*		
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"/>	electronically mailed copy (file max. 20MB)		
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form (flash drive or compact disc)*		
* 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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Yes</td> <td style="width: 50%; text-align: center;">No</td> </tr> </table>	Yes	No
Yes	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 at the bottom right hand corner of each folio.

Indicate which right is to be exercised or protected:

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 do you wish to be notified? (Mark the appropriate box with an 'X')

Email	<input type="checkbox"/>	Sms	<input type="checkbox"/>	Post	<input type="checkbox"/>
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Signed at _____ on _____ 20

Signature of requester