

PROMOTION OF ACCESS TO INFORMATION ACT MANUAL
Section 51 of Act no. 2 of 2000

Table of Contents

1. Introduction 1
a. Vision & Mission 2
2. Structure of Organisation/Company 3
a. Functions & Operations of units at the Company 4
i Board of Directors
3. Location 5
4. Information Officer 6
5. Guide on how to use the Act 7
6. Legislation 8
7. Records held by the organization 9
8. Categories of records available without recourse to the promotion of access to the Information Act (PAIA) 9
9. Protection of Personal Information Policy 9
10. Accessing records held by the Company through PAIA 10
10.1 Appeals 11
11. Services of the Organisation 11
12. Availability of the Manual 11
13. PAIA FORMS 12

1. INTRODUCTION

The Company focuses on straightening of truck chassis and truck wheel alignment.

2. STRUCTURE OF ORGANISATION / COMPANY

The Company is a Private Company with one director:

Vanita Padayachee

3. LOCATION

Physical Address
15 BUWBES ROAD
SEBENZA EDENVALE
GAUTENG
1609

Postal Address
PO BOX 9706
EDENGLEN
GAUTENG
1613

Contact
011 908-1916/7 – 011 452 1950
Fax: 011 609 1508
E-MAIL: info@tstruck.co.za

4. INFORMATION OFFICER

The information officer for the Company is as follows:

Cindy du Preez

Physical Address
Same as company

Postal Address
Same as company

Contact
Same as company
Direct E-mail: cindy@tstruck.co.za

The deputy information for the Company is as follows:

Paola Gattesco Ferreita

Physical Address
Same as company

Postal Address
Same as company

Contact
Same as company

5. GUIDE ON HOW TO USE THE ACT

The Company has a hard copy of this guide at the above address and an electronic version.

6. LEGISLATION

The Company holds information in terms of but not limited to the following legislation:

i. Basic Conditions of Employment Act, No 75 of 1997;
ii. Companies Act, No 71 of 2008;
iii. Compensation for Occupational Injuries & Diseases Act, 130 of 1993;
iv. Competition Act, No.71 of 2008;
v. Constitution of the Republic of South Africa;
vi. Copyright Act, No 98 of 1978;
vii. Customs and Excise Act, 91 of 1964;
viii. Electronic Communications Act, No 36 of 2005;
ix. Electronic Communications and Transactions Act, No 25 of 2002;
x. Employment Equity Act, No 55 of 1998;
xi. Financial Intelligence Centre Act, No 38 of 2001;
xii. Income Tax Act, No 58 of 1962;
xiii. Intellectual Property Laws Amendment Act, No 38 of 1997;
xiv. Labour Relations Act, No 66 of 1995;
xv. Occupational Health & Safety Act, No 85 of 1993;
xvi. Prescription Act, No 68 of 1969;
xvii. Prevention of Organised Crime Act, No 121 of 1998;
xviii. Promotion of Access to Information Act, No 2 of 2000;
xix. Protection of Personal Information Act, No. 4 of 2013;
xx. Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
xxi. Revenue laws Second Amendment Act. No 61 of 2008

xxii. Skills Development Levies Act No. 9 of 1999;
xxiii. Unemployment Insurance Contributions Act 4 of 2002;
xxiv. Unemployment Insurance Act No. 30 of 1966.

7. RECORDS HELD BY THE ORGANISATION

a. Records Management System

Each of the business units at the Company holds records related to that unit. Where possible records are kept in electronic format. In cases where records cannot be transferred or cannot be converted to electronic form such documents are filed and stored in shelves managed by each unit.

Each business unit undertakes to comply with the provisions of POPI, assisted by the reasonable party and / operator, to ensure that personal information is stored with the utmost care and diligence.

b. Categories of Records held

Operational Information is generally not accessible to persons outside the company or persons without the requisite authorization or justification.

i. Administration

- Financial & Management Reports
- Banking Records
- Audited Financial statements and SARS returns
- Income tax statements
- Files relating to the appointment of staff
- Insurance
- Work reviews, appraisals, leave forms, etc.
- Correspondence with Associations
- Requisitions & Invoices
- Internal phone lists & address lists
- Company policies & procedures
- Budgets, accounts, banking & monthly reconciliations
- Audited financial statements & SARS returns
- Contracts: staff, clients, employee records

ii. Operational documentation

- Newsletters & marketing material
- Client consultations
- Client database (personal information)
- Sensitive client information (Debit order mandates / banking information)
- All documentation relating to client services

- All documentation relating to supplier rates

8. CATEGORIES OF RECORDS AVAILABLE WITHOUT RECOURSE TO THE PROMOTION OF ACCESS TO INFORMATION ACT (PAIA)

The Company also holds some documents which are already available to the public and records which can be accessible without using PAIA.

I. Website(s)
II. Advertising & marketing brochures/pamphlets
III. Letterheads, invoices, telephone directory entries
IV. Press releases and magazine adverts
V. Companies' registration details at CIPC
VI. VAT Number

9. PROTECTION OF PERSONAL INFORMATION (POPI) POLICY

Data Protection Principles as required by POPI:

- Accountability – the Company as the responsible party and operator, with the assistance of the Information Officer, shall ensure that all data processed, used, received, and / or requested shall be stored in the requisite company database for such time as the personal information is needed to complete requested services or for a reasonable time after said requested services are completed.

- All records held by the Company shall be done in compliance with POPI, including the retention time and destruction of personal information.

- Processing Limitation – the Company shall ensure that all information processed is done lawfully and within the ambit of the services requested. Personal information processed by the Company shall be adequate for purpose, reasonable, and not excessive.

- Purpose Specification – Personal information must be collected for a specific, explicitly defined, and lawful purpose related to a function or activity of the Company. the Company as responsible party and operator undertakes to ensure that the data subject is aware at all material times of the purpose of the collection of information unless s18(4) of POPI is applicable (circumstances when the non-compliance is permitted).

- Further Processing Limitation – the further processing of personal information, once collected and received, must be in accordance or compatible with the purpose for which it was collected. the Company will further need to assess the information collected with a view of identifying what form of processing and / or

storage is necessary for the personal information at hand. Factors influencing the aforesaid will include, *inter alia*, the nature of the information; consequences of the further processing of the information; manner in which the information has been collected; and any contractual rights and obligations between the parties.

- Information Quality – the Company and its Information Officer shall take reasonably practicable steps to ensure that the personal information is complete, accurate, not misleading and updated, from time to time, where necessary. the Company must further have regard for which personal information is collected and further processed.

- Openness – In terms of section 14 of POPI and section 51 of PAIA, the Company must maintain the documentation of all processing operations under its responsibility.

- Security Safeguards – the Company undertakes to treat all personal information collected as confidential and shall not disclose it unless required by law or in the course of the proper performance of their duties (in compliance with sections 19, 20, 21 and 22 of POPI read with the security safeguards and procedure recorded hereunder.

- Data Subject Participation – a data subject, having provided adequate proof of identity, has the right to, *inter alia*, request that a responsible party confirm whether or not the responsible party holds the data subject's personal information. Furthermore, the data subject has the right to have access to the information within reasonable time; at a prescribed fee, if any; and in a reasonable manner and format.

Kindly refer to the Company Website POPI policy for detailed information on the application of the above. The aforesaid can be found on our Website.

For ease of reference and to better understand POPI, follow this link: http://www.justice.gov.za/legislation/acts/2013-004.pdf

10. ACCESSISING RECORDS HELD BY THE COMPANY TRHOUGH PAIA READ WITH POPI PROVISIONS

All requests should be sent to the information Officer, detailing the content of the request on prescribed request forms (attached). The process detailed below has been endorsed by the South African Human Rights Commission (see http://www.sahrc.org.za/guideline.doc)

c. The Process

i. The person requesting information should complete the prescribed form and address the request to the Information Officer, using the address, & e-mail address indicated.
ii. Sufficient detail should be provided on the request form to enable the Information Officer to identify the record and the source of the request. Contact details for the requester should be indicated.
iii. The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
iv. If a request is made on behalf of another person, the requester must submit proof of his capacity to the information Officer.

d. Prescribed Fees

The fees (as per Government Notice no R187) as amended are:

The fees for reproduction are as follows:

(1) For every photocopy of an A4-size page or part thereof – **R1.10**
(2) For every printed copy of an A4-size page or part thereof held on a computer or in electronic machine-readable form – R **0.75**
(3) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form:
    a. For a copy in a computer-readable form on compact disc - **R70**
    b. For a transcription of visual images, for an A4 size page or part thereof – **R40**
(4) For a copy of visual images - **R60**
(5) For a transcription of an audio record, an A4-size page or part thereof – **R20**
(6) For a copy of visual images – **R60**

e. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50.00.
f. The access fees payable by a requester referred to in regulation 11(3) are as follows:
    i. For every photocopy of an A4-size page or part thereof – **R1.10**
    ii. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form – **R0.75**
    iii. For a copy on compact disc – **R70**
    iv. For a transcription of visual images, for an A4-size page or part thereof – **R40**
    v. For a transcription of an audio record, for an A4 page or part thereof – **R20**
    vi. For a copy of an audio record - **R30**
    vii. To search for and prepare the record for disclosure, **R30** for each hour or part of an hour reasonably required for such search and preparation.
    viii. For purposes of the Act, the following applies:

(1) Six hours as the hours to be exceeded before a deposit is payable; and
(2) One third of the access fee is payable as a deposit by the requester.

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

11. APPEALS

In terms of PAIA [Section 56(3)(c)] a requester may lodge an application with a court, within 30 days of being informed of any decision of an Information Officer of the Company on any request, for relief against the refusal of the request, and the procedure (including the period) for lodging the application.

12. SERVICES OF THE ORGANISATION

For more information on the services of the organization or a copy of this Manual, please contact the Company and please send your inquiries to the Company with details as set out above.

13. PAIA FORMS

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

Attention: The 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 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: _____

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:

_____

_____

_____

_____

F. **Form of access to record**

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.

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:

copy of record □* inspection of record □

2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

view the images □ copy of the images □* transcription of the images* □

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

listen to the soundtrack (audio cassette) □transcription of soundtrack*□ (written or printed document)

4. If record is held on computer or in an electronic or machine-readable form:

printed copy of record* □printed copy of information derived from the record* □

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. 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.

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 REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE

NB: Completed document must be sent to cindy@tstruck.co.za (with attachments where applicable) marked for attention Information Officer.