

ARMCO SUPERLITE (PTY) LTD

SECTION 51 MANUAL

**Produced in terms of Section 51 of the Promotion of Access to
Information Act No 2 of 2000
(PAIA)**

**Incorporating additional requirements of
The Protection of Personal Information Act No 4 of 2013
(POPI)**

For

Armco Superlite (Pty) Ltd

1987/001406/07

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1. **Introduction to Armco Superlite (Pty) Ltd (hereinafter referred to as the company)**

The nature of the business is that of manufacturer and supplier of products used in road, construction and repairs.

2. **Particulars Required in terms of Section 51(1)(a) of the Act**

Contact details

Managing Director: Thomas Loughran

Registration Number: 1987/001406/07

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Isando

1600

Tel Work: (011) 974 8511

Fax: (011) 974 8510

e-mail: loughran.tom@armco.co.za

Website: www.armco.co.za

Contact details of designated Information Officer:

Designated Information Officer: Gavin Simpson Attorneys Inc.

Postal Address: P O Box 87173

Houghton

2041

Physical Address: 101A Bellairs Drive

Glenvista

2091

Telephone No: 011 646 0235
Email: Info@gavinsimpsonattorneys.co.za
Website: www.gsimpsonattorneys.co.za

3. Description of Guide Referred to in Section 10 of the Act

A guide has been compiled in terms of Section 10 of PAIA by the South African Human Rights Commission (SAHRC). It contains information required by a person wishing to exercise any right, contemplated by PAIA. This guide is available for inspection, inter alia, at the office of Armco Superlite (Pty) Ltd at the physical address above and at the SAHRC.

The South African Human Rights Commission:

Address: Braampark Forum 3
33 Hoofd Street
Braamfontein Private bag x2700
Houghton
2041

PAIA Unit

The Research and Documentation Department

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

4. Records available in terms of any other legislation in terms of Section 51(1)(d) of the Act

- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Companies Act 71 of 2008
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- Promotion of Access to Information Act 2 of 2000
- Skills Development Levies Act 9 of 1999
- Employment Equity Act 55 of 1998
- Occupational Health and Safety Act 85 of 1983
- Income Tax Act 95 of 1967
- Regional Services Councils Act 109 of 1985
- Electronic Communications and Transactions Act No 25 of 2002
- Consumer Protection Act 68 of 2008
- Broad Based Black Economic Empowerment Act No 53 of 2003
- National Credit Act No 34 of 2005
- Financial Intelligence Centre Act No 38 of 2001

5. Records automatically available in terms of Section 52(2) of the Act

Records that are automatically available to the public are:-

Booklets, newsletters and pamphlets, updated price lists, product catalogues published by the Company, which are available on the Company's website. A section 52(2) notice regarding the categories of

records which are available without a person having to request access in terms of the Act has to date not been published.

Website

The Company's website address is www.armco.co.za and is accessible to anyone who has access to the Internet. The website contains various categories of information relating to the Company and its products which may be obtained without having to request the information contained thereon.

6. Access to the records held by the private body in question

Records that may be requested for access in terms of Section 50(1) of the Act

The information in this section provides a reference to the records that the Company holds, which will facilitate a request in terms of the Act. These records referred to below include, but are not limited to records which pertain to the Company's own affairs. These records are not automatically available and can only be made available by facilitating a request in terms of the Act. Access to these records may be protected by professional privilege, privacy or the grounds of refusal detailed in the Act.

Please note that the records listed below are not exhaustive.

Personnel documents and records

Personal Information relating to past, present and prospective personnel. "Personal information" as defined in the Act means" Information about an identifiable individual," including, but not limited to:-

- Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the individual.
- Information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved.
- any identifying number, symbol or other particulars assigned to the individual.
- The address, fingerprints or blood type of the individual, the personal opinions, views or preferences of the individual, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual.
- Records provided by third parties relating to personnel.
- Records relating to conditions of employment.
- Records relating to personnel-related contracts and quasi-legal records.
- Records containing the results of internal evaluations.
- Correspondence relating to personnel.
- Disciplinary records.
- Records of salaries/wages paid.

- Other remuneration and benefits as they relate to all past present and prospective personnel.
- Records embodying codes of conduct and policies and procedures relating to personnel.
- Leave records.
- Pension fund records.
- Provident fund records.
- IRP5's.
- Employment equity plan.
- Medical aid records.
- Disciplinary and grievance code and procedures.
- SETA records.
- Training records.
- ISO manuals.

“Personnel” refers to any person who works for, or provides services to or on behalf of the Company, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Company. This includes, without

limitation, directors (executives and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

Companies Act records

- Documents of incorporation.
- Memorandum of Articles and Association/Memorandum of Incorporation.
- Records relating to appointment of directors/auditor/public officer.
- Share register and other statutory registers.

Other company records

- Documents relating to the operational, commercial, and financial interests of the Company.
- Commercial and other legal contracts or agreements.
- Client and other data bases.
- Information on existing and past litigation.
- Trademark and intellectual property applications and information.
- Administrative information.
- Licenses.
- Human resources information.
- Insurance policies.
- Marketing records.
- Internal and external correspondence specifically requested by the requestor in relation to the request and/or requestor.
- Disaster recovery plans.
- Company product records.
- Internal policies and procedures.
- Records held by officials of the Company.

Financial records

- Annual financial statements
- Tax returns
- Accounting records
- Banking records
- Bank statement
- Electronic banking records
- Asset register at last financial year end
- Rental agreements
- Supporting documents

Income Tax Records

- PAYE records
- IRP 5 and ITB 3 documents
- EMP 201 returns
- VAT
- Regional service levies
- Skills development levies
- UIF

Client related records

- Records provided by clients in respect of their business and in terms of the contractual arrangements between the Company and clients.
- Records generated by or within the Company relating to its clients, including transactional records.

- Records pertaining to third party information provided by clients.
- Records provided by third parties in the course of doing business with the Company.

A “client” refers to any natural Person or juristic entity that receives services from the Company.

Other party records

The Company may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to the Company. These records include but are not limited to:-

- Personnel, customer or private body records which are held by another party as opposed to the records held by the Company itself.
- Records held by the Company pertaining to other parties, including but not limited to, financial, commercial, operational and legal records, contractual records, correspondence, records provided by the other party, and records provided by third parties about contractors/suppliers.

Legal Records

- Agreements and contracts.
- Legal opinions.
- Litigation documents.

7. The request procedures in terms of Section 53(1) of the Act

Records held by the company may be accessed by requests only once the prerequisite requirements for access have been met. The requester is required to make such request for access to a record on the prescribed Form C attached hereto as “Annexure A”.

Prerequisite requirements for access in terms of Section 53(2) of the Act

- 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. This request must be made to the address, fax 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 any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- 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.

- If a request is made on behalf of another 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.

8. Fees in terms of Section 54 of the Act

The Act provides for two types of fees, namely:-

- A request fee, which will be a standard fee. The fee that the requester must pay to a private body is R50 (in addition to the access fees as listed in Annexure B); 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. The requester may lodge an application to the court against the tender or payment of the request fee or access fee.
- The requester must pay the prescribed request fee, before any further processing can take place. When the Designated Information Officer receives the request, the 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. The notice must also set out the procedure for lodging the application.
- A requester, who seeks access to a record containing personal information about that requester, is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the prescribed required request fee.

- If the search for and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed, the Designated Information Officer shall notify the requester to pay as a deposit the prescribed portion (being no more than one third) of the access fee which would be payable if the request is granted.
- If a deposit has been paid and the request for access refused, the deposit referred to above must be repaid to the requester.
- The Designated Information Officer may withhold a record until the requester has paid the applicable fees as indicated in “Annexure B” attached hereto.
- A requester, whose request for access to a record has been granted, must pay an access fee for reproduction, 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 requested form.

In terms of the Act, the access fee prescribed for the purposes referred to above must:-

- provide for the costs of making the record, or a transcription of a record and if applicable a postal fee; and
- the time reasonably required to search for the record and prepare the record for disclosure to the requester.

9. Remedies available upon refusal of a request

A requester (including a third party) that is dissatisfied with the Designated Information Officer's refusal to disclose information may lodge an internal appeal against the decision of the information officer.

Once the requester has exhausted the internal appeal procedures and such requester has been unsuccessful therein and within 180 days of being notified of such refusal, apply to a Court for relief in terms of Section 78(2).

10. Availability of the manual

This manual is available for inspection by the general public, upon request, during office hours and free of charge at the offices of Armco Superlite (Pty) Ltd as well as on the company's website www.armco.co.za.

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]

A. Particulars of private body The Head:

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: _____

Telephone number: _____

Fax 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: _____

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 below, state your disability and indicate in which form the record is required.

Disability: _____

Form in which record is required: _____

Mark the appropriate 1-4 below with an X.

NOTES:

(a) Compliance with your request for access 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 _____ **OR** inspection of record _____

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

view the images _____ **OR** copy of the images _____ **OR**
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) _____ **OR**
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 _____ **OR**
printed copy of information derived from the record _____
OR
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

“Annexure B”

The Fees for Accessing Records of a Private Body

<u>ACTIVITY</u>	<u>FEE</u>
Copy A4 page	R 1.10
Printing per A4 page	R 0.75
Copy on CD	R70.00
Transcription of Visual images per A4 page	R40.00
Copy of visual image	R60.00
Transcription of an audio recording per A4 page	R20.00
Copy of an audio recording	R30.00
Search and preparation of the record for disclosure	R30.00 per hour or part thereof, excluding the first hour reasonably required for the search and preparation