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# PAIA MANUAL


	<b>Originated By</b>	<b>Review By</b>	<b>Approved By</b>
<b>Name</b>	Eloise Mycroft	Zingisa January	Guy Mottram
<b>Designation</b>	Paralegal	Group Ethics and Compliance Officer	Group Risk Officer
<b>Signature</b>			
<b>Date</b>	16 February 2016	16 February 2016	16 February 2016

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## 1 Purpose

The purpose of this Manual is to inform a person on who to obtain access to records held by Group Five, thereby giving effect to Section Manual that gives effect to the constitutional right of access to any information held by any of the Act.

## 2 Scope

The Manual applied to all individuals accessing records held by Group Five

## 3 References

n/a

## 4 Definitions, Acronyms and Abbreviations

PAIA – Promotion of Access to Information

The Act – Promotion of Access to Information Act number 2 of 2000

Information Officer - as referred to in 6.2

## 5 Responsibilities of

Review: Group Compliance and Ethics Officer

Approve: Group Risk Officer

Implementation: Group Information Officer


## 6 Procedure

Access to Information Manual

Prepared in accordance with section 51 of the Promotion of Access to Information Act Number 2 of 2000 (“the Act”)

### 6.1 Section A: Table of Contents of this Section 51 Manual

1. Contact details of the duly authorised person to whom request, pursuant to the provisions of the Act, should be made
2. Introduction
3. The section 10 guide on how to use the Act
4. Access to record held:
  - 4.1 The latest notice regarding the categories of records which are available without access having to be requested in terms of the Section 52(2) of the Act.
  - 4.2 Records available in accordance with legislation
  - 4.3 Records that may be requested in terms of section 51 (1) (e) of the Act
5. Procedure for requesting information

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## 6. Availability of the manual

### 6.2 Particulars as contained in this Section 51 Manual

Contact details of the duly authorised person (hereinafter referred to as the Information Officer) to whom requests pursuant to the provisions of the Act, should be made (section 51(1)(a) of the Act):

The Information Officer:

Company Secretarial: Group Five Limited

Postal Address: Postnet Suite 500, Private Bag X26, Sunninghill, 2157

Business Phone: + 27 010 060 1500

Business Fax: + 27 86 206 3885

Email Address: [nkatamzi@groupfive.co.za](mailto:nkatamzi@groupfive.co.za)

The Act give effect to the constitutional right of access to any information held by any public or private body that is required for the exercise or protection of any rights. The Act sets out the procedure attached to such request.

Section 9 of the Act recognises that the right to access information is subject to certain justifiable limitations, for instance limitations aimed at, but not limited to:

- Reasonable protection of privacy
- Commercial confidentiality; and
- Effective, efficient and good governance

The purpose of this Manual is to inform a person on how to obtain access to records held by Group Five, thereby giving effect to Section 51 of the Act.

The section 10 guide on how to use the act (section 51(1)(b) of the Act):

The Guide is available in each official language free of charge for public inspection at the following places:

- At the South African Human Rights Commission:
- At the office of the head of the national department responsible for government communication: Government Communications and Information Services
- At a place of legal deposit as defined in section 6 of the Legal Deposit Act 54 of 1997;
- All offices of public bodies
- All magistrate's offices
- All post offices; and
- In the Government Gazette

Any person may request a copy of the Guide. Payment for such copy is required at the fee prescribed.

Queries relating to the Guide must be directed to:


The South African Human Rights Commission PAIA unit

The Research and Documentation Department

Postal address: Private Bag 2700, Houghton, 2041

Business phone: +27 11 484 8300

Business fax: + 27 11 484 0582

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Email Address: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)


Website: [www.sahrc.org.za](http://www.sahrc.org.za)

Access to record held (section 51(1)(c), 51(1)(d) and 51(1)(e) of the Act)

The latest notice, in terms of section 52(2) of the Act, regarding the categories of record of the companies which are available without a person having to request access (section 51(1) (c) of the Act)

Records are kept in accordance with the following legislation, as amended (section 51(1) (d) of the Act:

Basic conditions of Employment Act 75 of 1997  
 Broad Based Black Economic Empowerment Act no 53 of 2003  
 Companies Act No 71 of 2008  
 Compensation for Occupational Injuries and Disease Act No: 130 of 1993  
 Competition Act No 89 of 1998  
 Constitution of SA Act No 108 of 1996  
 Consumer Protection Act 68 of 2008  
 Copyright Act No. 98 of 1978  
 Deeds of Registries Act No. 47 of 1937  
 Employment Equity Act No. 55 of 1998  
 Environmental Conservation Act No 73 of 1989  
 Environmental Law Rationalisation Act No 57 of 1997  
 Firearms Control Act No 60 of 2000  
 Formalities in respect of Leases of Land Act No 18 of 1969  
 Hazardous Substances Act no 15 of 1973  
 Immovable Property (Removal or Modification of Restrictions) Act No 94 of 1965  
 Income Tax Act No 58 of 1962  
 Labour Relations Act 66 of 1995  
 Long-Term Insurance Act No 52 of 1998  
 Marketable Securities Act No 32 of 1948  
 Medical Schemes Act No 131 of 1998  
 Mine Health and Safety Act No 29 of 1996  
 National Building Regulations and Buildings Standards Act No 103 of 1977  
 National Environmental Management Act No. 107 of 1998  
 National Road Traffic Act No: 93 of 1996  
 National Water Act No 36 of 1998  
 Occupational Health and Safety Act No 85 of 1993  
 Pension Funds Act No 57 of 1978  
 Preferential Procurement Policy Framework Act No 5 of 2000  
 Promotion of Access to Information Act No.2 of 2000  
 Promotion of Equality and Prevention of Unfair Discrimination Act No 4 of 2000  
 Protected Disclosures Act No.26 of 2000  
 Sea Transport Documents Act No 65 of 2000  
 Securities Services Act No 36 of 2004  
 Securities Transfer Tax Act 25 of 2007  
 Security by means of Movable Property Act No. 57 of 1993  
 Short Term Insurance Act No. 53 of 1998  
 Skills Development Levies Act No. 9 of 1999  
 South African Reserve Bank Act No. 90 of 1999  
 Stock Exchange Control Act No. 1 of 1985  
 Tobacco Products Control Act No. 83 of 1993  
 Trademarks Act No 83 of 1993

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Transfer Duty Act No 40 of 1949  
Unemployment Insurance Act No. 63 of 2001  
Value Added Tax Act No. 89 of 1991

Records, to which the right and manner of access will be provided in accordance with the Act (subject to the restrictions and right of refusal of access provided for in the Act), are available in respect to the following aspects of the companies' businesses and operations.

Branding

- Policies and standards
- Brand and advertising material
- Print and audio-visual advertisements

Communications

- Documents relating to public communications
- Documents relating to internal communications
- Media releases
- CEO presentations and speeches

Company Secretarial Service

- Share registers
- Memoranda or incorporation
- Statutory returns to appropriate authorities
- Annual reports
- Share certificates
- Applicable statutory documents such as, but not limited to, certificates of incorporation and certificates to commence business
- Corporate structure organograms
- Corporate Calendars
- Documents relating to share incentive schemes

Corporate Social Investments

- Agreements
- Applications for donations
- Reports relating to corporate social investment
- Documents relating to corporate social investments projects

Financial


- Accounting records
- Audited financial statements
- Agreements
- Income tax returns
- Banking records
- Invoices and statements

Information Management and Technology

- Information policies, standard, procedures and guidelines
- Contracts and Agreements

Insurance

- Production and Group Liability Policies
- Other Insurance Policies
- Documents relating to underwriting
- Claim Documents

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- Motor Rules
- Personal accident benefits rules

#### Intellectual Property

- Patents and Designs
  - applications for filing, lapsing, abandonment, withdrawal, or defending of patents
  - documents relating to the assignment, cession or transfer of patents and designs
  - documents relating to validity attacks through a patent or design office or authority
- Trademarks
  - applications for lapsing, abandonment, withdrawal, or defence of trademark
  - assignments, cession, transfer, of trademark
  - agreements relating to the licensing of trademarks
  - documents relating to validity attacks though a trademark office or authority
  - documents relating to the assignment, cession , transfer, licensing or other arrangements concerning a trademark
- Copyright
  - Documents relating to the assignment, cession, transfer or licensing of copyright material
- Agreements

#### Internal Audit and Risk Management

- Documents relating to generic risk management processes
- Audit plans

#### Investors


- General investor relations communications
- Announcement on SENS
- Presentations to analysts

#### Labour and Human Resources

- Collective agreements and other agreements relating to collective issues conducted at sectorial or central level
- Collective or other agreements relating to collective issues conducted at plant floor level
- Documents relating to human resources policies and procedure
- Documents relating to staff establishment and manpower planning
- Documents relating to general terms of employment such as, but not limited to, pension and medical aid benefits, share incentive schemes and termination of services
- Documents relating to appointments, promotions, dismissals, suspensions, demotions and disciplinary actions
- Global policy for international employees and documents related thereto
- Returns to UIF
- Employment equity reports
- Training schedules and material

#### Land Transactions

- Documents in connection with land, prospecting, mining and mineral rights and servitude transactions including:
  - Contracts
  - Approvals
  - Consents
  - Deeds
  - Agreements

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- Forms
- Securities
- Cancellations
- Amendments and or substitutions
- Documents that require to be registered or lodged at the Deeds Office or the office of the Director Mineral Development of the Department of Mineral Resources
- Mining contracts
- Lease agreements
- Applications for the establishment of township and the extension of the boundaries of existing townships
- Applications for changes in land use, re-zoning and consent uses
- Documents relating to the acquisition, cessions or sale of mineral rights
- Applications and notices required in terms of the Minerals Act No 50 of 1991

**Library**

- Bulletins
- Gazettes
- Publications including books, patents, standards research and developments, publications
- Journals

All related to and required for the conduct of the business and operations of the companies

**Logistics/supply chain management**

- Contracts relating to transportation
- Pipeline agreements
- Storage, handling, packaging and distribution agreements
- Clearing and forwarding an surveying agreements

**Manufacturing, production and distribution agreements**

- Manufacturing and production specifications
- Production statistics
- Documents relating to deliveries and receipt of product
- Warehouse and storage records

**Marketing**

- Promotional material
- Audio-Visual material
- Brochures and advertising material

**Plant Maintenance**

- Maintenance and inspection schedules
- Documents relating to preventative maintenance programmes
- Procedures and guidelines relating to maintenance, inspections, modification and the like
- Emergency response plans
- Operating procedures


**Procurement and Supply Management**

- Documents and contracts relating to procurement and supply of commodities an services

**Research and Development**

- Contracts and Agreements
- Technical publications



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#### Safety, Health and Environment

- Group Five Safety Health and Environment policy
- Documents relating to business unit/division/country/site best practices
- Sustainable Development Reports
- Safety Health and Environment governance audits
- Environment impact assessments
- Safety Health and Environment audits, inspections, plans, programmes, procedures training and emergency responses
- Reports on Safety Health and Environment related complaints or information
- Documents relating to investigation and reporting of Safety Health and Environment incidents
- Documents in respect of permits, authorisations and exemptions
- Documents relating to corporate policy, standards and systems of managing and optimising aspects of health and hygiene in the workplace
- Documents relating to water conservation, waste management and emissions

## 6.3 Procedure for requesting information

### 6.3.1 Automatically available records

No records will be made automatically available unless prescribed by legislation or published as such on the Group Five website. Automatically available records may be obtained free of charge. Should a need arise for the reproduction of such record, a reproduction fee will be payable.

### 6.3.2 Application Process

#### Request

Where a person wishes to access information held by the companies, other than automatically available records, such a person must make a request for access to such information on the prescribed form, attached as Annexure A. This form is available on The Group Five website or may be obtained upon request.


The prescribed form must be completed with sufficient particulars to enable the Information Officer to identify:

- The record(s) requested;
- The identity of requester;
- Which form of access required, if the request is granted
- The postal address/fax number of the requester
- The right the requester is seeking to exercise or protect;
- And
- And explanation of why the requested record is required for the exercise or protection of that right

If a requester is made of behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer

The completed form may be submitted in one of the following manners to the Information Officer:

- By hand
- By post

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- By facsimile
- By email

An individual, who, because of illiteracy or a disability is unable to make a request for access to a record on the prescribed form, may make that request orally. The information Officer will then reduce the oral request to writing in the prescribed form and provide a copy thereof to the requester.

#### Request, access and reproduction fees

When the request is received by the Information Officer he/she shall by notice require the requester to pay the prescribed request fee, before further processing of the request.

The access and reproduction fees payable by a requester are as follows:

#### Item

*	For every photocopy of an A4 size page or part	R 1.70
*	For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine readable form	R 0.75
	For a copy in a computer readable form on:	
*	Compact Disk	R 70.00
*	For a transaction of visual images, for an A4 size page or part thereof	R 40.00
*	For a copy of visual images	R 60.00
*	For a transcription of an audio record, for an A4 size page or part thereof	R 20.00
*	For a copy of an audio record	R 30.00

To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.

Note: The cost of postage is payable when a copy of a record is required to be posted to a requester.

The request fee payable by a requester, other than a personal requester, is R50,00

If a search for the record has been made 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 person shall withhold a record until the requester has paid the relevant fees.

#### Validation and acknowledgement

The Information Officer validates the request to see whether the required information is available within the companies. The request is then accepted, rejected or transferred to the rightful keepers of the required information. An acknowledgement confirming the status of the request is then forwarded to the requester.

#### Information processing

The Information Officer will process the request within thirty (30) days, unless the requester has stated special reasons, which would satisfy such person that circumstances dictate that the above time periods should not be complied with. The 30-day period within which the Information Officer has to

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decide whether to grant or refuse the request may be extended for a further period of not more than thirty (30) days if the request is for a large amount of information, or the request requires a search for information held at another office of the institution and the information cannot reasonably be obtained within the original thirty (30) day period. The Information Officer will notify the requester in writing should an extension be sought.

#### Final Notification

The requester will be informed of the completion of the request as well as the outstanding fees payable

#### Payment and Delivery

Once payment is received, the information is released to the requester in accordance with Section 60 of the Act.

Remedies where requests for access to information are refused

The Information Officer will refuse a request for access to information on grounds as stated in terms of the Act

Requests for information that are clearly frivolous and vexatious, or which involve an unreasonable diversion of resource shall be refused.

#### Application to Court

A request or third party, aggrieved by a decision of the Information Officer, to refuse for access or taken in terms of section 54, 57(1) or 60 of the Act, may, by way of an application, within 30 days apply to a court for appropriate relief in terms of section 82 of the Act.


#### Availability of the manual

This manual is currently available as follows:

- On the Group Five Website
- In hard copy, to be viewed free of charge, as the offices of Group Five  
9 Country Estate Drive  
Waterfall Business Park  
Jukskei View
- At the offices of the South African Human Rights Commission whose contact details are contained above

## 7 Attachments

Form C

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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 Information Officer:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

B. Particulars of person requesting access to the record

- (a) The particulars of the person who request 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: \_\_\_\_\_

Email 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 name and surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

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**D Particulars of record**

- (a) Provide full particular of the record to which access is requested, including the reference number is 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

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- 2. Reference number, if available

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- 3. Any further particulars of record:

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**E Fees**

- (a) A request for access to a record, other than records containing personal information about you, 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 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 reason.

---


**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

---

Mark the appropriate box with an X

Notes

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Compliance with your request in the specified form may depend on the form in which the record is available

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

The fee payable for access to the record, if any, will be determined 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 ect.)

\_\_\_\_ view the images    \_\_\_\_ copy the images\*    \_\_\_\_ transcription of the images\*

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

\_\_\_\_ listen to soundtrack    \_\_\_\_ Transcription of soundtrack \* (written or printed documents)

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 record    \_\_\_\_ copy in computer readable form

**\*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Yes/No**

G Particulars of right to be exercised or protected

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

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

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H. Notice of decision regarding request of access

You will be notified in writing whether your request has been granted or denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particular to enable compliance with your request.

How would you like to be informed of the decision regarding your request for access to the record?

---

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_

---

Signature of requester/Person on whose behalf request is made