



PAIA Manual

COM-PO-22


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Revision:

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02 July 2021

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ABECO TANKS (PTY) LTD

Private Company

Registration number: 2016/319069/07

MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA")

Date of Compilation: 2 July 2021

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1. INTRODUCTION

Abeco Tanks (Pty) Ltd conducts business as a manufacturer of water tank storage solutions. Abeco Tanks (Pty) Ltd has offices in Bedfordview, Selby, East London, and Cape Town. Mr. Duane Ramos, the Information Officer, has been duly appointed by Abeco Tanks (Pty) Ltd, to act as the person to whom requests for access to information must be made in terms of PAIA.

2. CONTACT DETAILS

To contact the Head and Information Officer of Abeco Tanks (Pty) Ltd:

Information Officer: Duane Ramos
Postal address: Po Box 38092, Booysens, Johannesburg
Street address: 12 John Street, Selby
Tel. no: 011 493 1197
E-mail address: duane@abeco.co.za
Website: <https://abecotanks.co.za>

3. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(b)

- 3.1 PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 3.2 Requests in terms of PAIA shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the PAIA Act.
- 3.3 Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission and/or the Guide to be compiled by the Information Regulator, which will contain information for the purposes of exercising Constitutional Rights. The Guide is currently available from the South African Human Rights Commission. The contact details of the Information Regulator are:

Physical Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Postal Address: P.O Box 31533, Braamfontein, Johannesburg, 2017
Telephone Number: 012 406 4818
Fax Number: 086 500 3351
Email: infoereg@justice.gov.za / complaints.IR@justice.gov.za
Website: <https://www.justice.gov.za/infoereg/index.html>

4. APPLICABLE LEGISLATION

Records available in terms of other legislation are as follows:

- 4.1 Basic Conditions of Employment Act 75 of 1997
- 4.2 Companies Act 71 of 2008
- 4.3 Compensation for Occupational Injuries and Disease Act 130 of 1993
- 4.4 Competition Act 89 of 1998
- 4.5 Copyright Act 98 of 1978
- 4.6 Electronic Communications and Transactions Act 25 of 2002
- 4.7 Employment Equity Act 55 of 1998
- 4.8 Income Tax Act 58 of 1962
- 4.9 Insolvency Act 24 of 1936
- 4.10 Labour Relations Act 66 of 1995

- 4.11 National Environmental Management Act 107 of 1998
- 4.12 Occupational Health and Safety Act 85 of 1993
- 4.13 Promotion and Access of Information Act 2 of 2000
- 4.14 Protection of Personal Information Act 4 of 2013
- 4.15 The Skills Development Act 97 of 1998
- 4.16 Unemployment Insurance Act 63 of 2001
- 4.17 Value Added Tax Act 89 of 1991

5. SCHEDULE OF RECORDS

5.1 Communication

- 5.1.1 Public Product Information
- 5.1.2 Media Releases
- 5.1.3 Promotion of Access to Information Act Manual
- 5.1.4 Marketing material
- 5.1.5 Internal and external correspondence

5.2 Company Secretarial

- 5.2.1 Minutes of meetings of the Company
- 5.2.2 Holding and Nominee Companies
- 5.2.3 Details of Directors
- 5.2.4 Resolutions of Shareholders and Directors

5.3 Financial Information

- 5.3.1 Financial Statements
- 5.3.2 Financial and Tax Records (Company and Employees)
- 5.3.3 Accounting Records
- 5.3.4 Banking details
- 5.3.5 Asset Register

5.4 Human Resources

- 5.4.1 Employment contracts
- 5.4.2 Employee records
- 5.4.3 Personnel Guidelines, Policies and Procedures
- 5.4.4 Operational Information

5.5 Operational Information

- 5.5.1 Client information
- 5.5.2 General contract documentation
- 5.5.3 Company Guidelines, Policies and Procedures
- 5.5.4 Trade Marks
- 5.5.5 Statutory Records
- 5.5.6 General Operational Information

5.6 Website

- 5.6.1 Organisational structure
- 5.6.2 Organisation and personal profiles
- 5.6.3 News and Publications

6. FORM OF REQUEST

- 6.1 The requester must use the prescribed form to make the request for access to a record. The form is attached hereto and may be requested from the Information Officer and is available on the website of the Information Regulator (South Africa) at www.justice.gov.za and the website of the Department of Justice and Constitutional Development at www.doj.gov.za. The completed form must be submitted to the Information Officer.
- 6.2 The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester.
- 6.3 The requester should also indicate which form of access is required.
- 6.4 The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- 6.5 The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation as to why the requested record is required for the exercise or protection of that right.
- 6.6 If a request is made on behalf of a person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

7. PRESCRIBED FEES

The following applies to requests (other than personal requests):

- 7.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 7.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 7.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 7.4 Records may be withheld until the fees have been paid.
- 7.5 The fee structure is available on the website of the South African Human Rights Commission at www.sahrc.org.za.

8. AVAILABILITY OF THE MANUAL AND PRIVACY POLICY

- 8.1 The manual is available for inspection during office hours at the Selby offices of Abeco Tanks (Pty) Ltd free of charge. To arrange for an inspection of the manual, please contact the Information Officer.
- 8.2 The Abeco Tanks (Pty) Ltd Privacy Policy can be requested from either the Information Officer at duane@abeco.co.za.



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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 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:

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
Form in which record is required:	
Mark the appropriate box with an X.	
<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 for 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
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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"/>	transcription of the images*
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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
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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"/>	copy in computer readable form* (stiffy or compact disc)
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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



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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 of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Tel: (011) 877 3600

Fax: 011 403 0625

Physical Address
33 Hoofd Street
Braampark Forum 3
Braamfontein
2198

Postal Address
Private Bag X 2700
Moughton
2041



NOTICE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION 2 OF 2000 RE: FEES ASSOCIATED WITH PAIA REQUESTS ARE DETERMINED BY THE REGULATIONS ONLY AND NOT THROUGH OTHER APPLICABLE LAWS OR POLICIES

This Notice serves to state that the South African Human Rights Commission (the Commission) hereby confirms that the costs associated with all requests made under the Promotion of Access to Information Act 2 of 2000 (PAIA) are determined by the Regulations relating to PAIA only, and not by any other laws or regulations. Therefore, any demands made by a public or private body for the payment of additional fees with respect to PAIA requests are invalid.

The Commission is an independent public body currently mandated under PAIA to monitor the implementation of the Act. In accordance with its responsibilities to ensure compliance with PAIA, the Commission issues this notice to bring clarity to all interested parties that it is *only* the Minister of Justice and Constitutional Development who has the power to make decisions regarding fees associated with PAIA requests. The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors.

1. The Promotion of Access to Information Act

PAIA gives effect to the constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of both public and private bodies is "as swiftly, *inexpensively* and *effortlessly* as reasonably possible." (emphasis added). Furthermore, section 92 of the Act grants the Minister of Justice and Constitutional Development the power to make regulations pertaining to fees associated with requests made to both public and private bodies.

2. Regulations to PAIA

In February 2002, the Minister of Justice and Constitutional Development published a schedule of fees for PAIA requests in the Gazette, which provided for the following:

Fees for Requesting Records

Requesters are required to pay a fee for requesting access to records from both public and private bodies. The fee for requesting records from a public body is R35, while the fee for requesting records from a private body is R50. It is important to note that people who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R14,712 per annum (if single) and R27,192 per annum (if married or have a life partner), are also exempt from paying the request fees.

Fees for Accessing Records

Requesters are also required to pay fees for accessing the records of public and private bodies, which include fees associated with the search for, preparation of, and reproduction of documents. The breakdown of fees for requests to both public and private bodies are as follows:

Public Bodies:

- Copy per A4 page – 60 cents
- Printing per A4 page – 40 cents
- Copy on a CD – R40
- Transcription of visual images per A4 page – R22
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R12
- Copy of an audio recording – R17
- Search and preparation of the record for disclosure – R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

Private Bodies:

- Copy per A4 page – R110
- Printing per A4 page – 75 cents
- Copy on a CD – R70
- Transcription of visual images per A4 page – R40
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R20
- Copy of an audio recording – R30
- Search and preparation of the record for disclosure – R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

3. Registered VAT Vendors

The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors, as required under section 23 of the Value-Added Tax Act of 1991.

Sincerely,



Advocate L.M. Mushwana

Chair of the South African Human Rights Commission

Transforming society. Securing rights. Restoring dignity.

Chairperson: M.L. Mushwana, Deputy Chairperson: P. Govender, Commissioners: L. Mckate, B. Maitatji, J. Love, D. Titus
Chief Executive Officer: K. Ahmed