

Promotion of Access to Information Manual

1. Introduction

The Promotion of Access to Information Act was promulgated in March 2001. The Act was put in place to actively promote a society in which the people of South Africa have effective access to information, which enables them to more fully exercise and protect their rights.

The Human Rights Commission is responsible for compiling a guide that provides details on how to use the Act. This guide is currently not available from the Human Rights Commission. Please direct any further queries in this regard to:

The South African Human Rights Commission:
PAIA Unit
The Research and Documentation Department
Postal Address: Private Bag 2700
Houghton
2041
Phone: (011) 877 3600
Fax: (011) 403 0625
E-mail: dmalesa@sahrc.org.za
Website: www.sahrc.org.za

In terms of Section 51(1) of the Promotion of Access to Information Act, all heads of private bodies are required to compile a manual that provides information regarding the subjects and categories of records held by such private bodies. This manual is intended to fulfill this requirement.

Accordingly, this manual provides a reference to the records we hold and the process that needs to be adopted to access such records. All requests for access to information should be addressed to the contact person as identified in section 3 of this manual, as he/she is our designated Information Officer.

A copy of the manual will be available for inspection at:

- Our head office (refer address below) and
- The South African Human Rights Commission.

2. Company overview, structure and scope of this manual

Equalizer AG (Pty) Ltd is a locally registered company, operating from a single location in Brackenfell, Western Cape (please refer to the head office address below).

The scope of this manual is limited to information held by Equalizer AG (Pty) Ltd.

3. Administration of the Act

The Chief Executive Officer (CEO) of Equalizer AG (Pty) Ltd has duly authorized the contact person below to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner. Accordingly, all requests for access to records should be addressed to:

Company: Equalizer AG (Pty) Ltd
Company registration number: 2000/013803/07
Contact person: Gideon Schreuder
Postal address: PO Box 1825, Brackenfell, 7561
Physical address: 11 Goud Crescent, Brackenfell, 7560
Phone number: (021) 981 2161
Fax number: (021) 981 2162
E-mail address: gideon@equalizer.co.za

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4. Subjects and corresponding categories of records

Our records can be found in various forms including electronic and paper. In terms of the Promotion of Access to Information Act, access must be granted irrespective of form or medium.

To facilitate the easy identification of the records we hold, we have **categorised** our records per **subject** area. The table below provides an indication of the subjects of information that we hold and the corresponding categories:

Finance	<ul style="list-style-type: none"> • Audited Financial Statements • Tax Records (relating to the company and the individual employees) • Asset Register • General Correspondence • Management Accounts and Records • Budgets • Financial Transactions • Purchase and Order Records • Banking Records • Contracts • Financial Policies and Procedures • Risk Management Records • Internal Audit Records • Statutory Returns Records 	Human Resources	<ul style="list-style-type: none"> • Employee Records • Employment Contracts • Personnel guidelines, policies and procedures • General Correspondence • Training Material • Employment Equity Records • Provident Fund Records • Employee Benefit Records • Labour Relations Records • Statutory Labour related Records • Skills Plans
Information Technology	<ul style="list-style-type: none"> • IT Policies and Procedures • Network Diagrams • Configuration Setups • User Manuals • Asset Register – IT related equipment • System Performance Records • General Correspondence 	Sales	<ul style="list-style-type: none"> • Pricing information • Sales Policies and Procedures • Sales Forecasts • General Correspondence • Future Product Strategies • Product Sales Records/ Statistics • Customer Information • Customer Complaints
Environmental Health and Safety	<ul style="list-style-type: none"> • Environmental Assessments • Audiometric Reports • Biological Monitoring • Training/ Education Records • Accident Investigation Reports • Minutes of Meetings • Safety Organisational Structures • Policies and Procedures • Information Relating to the Fire Systems • Machinery Tests Records • Contractor Agreements 	Production, Engineering and Quality Control	<ul style="list-style-type: none"> • Production Records • Production Statistics • Raw Material Traceability Records • General Correspondence • Quality Test Results • Calibration Records • Product Specifications • Machinery User Manuals
Logistics	<ul style="list-style-type: none"> • Information relating to Freight Agents • Inventory • Shipping Information • Production and Delivery Plans • Policies and Procedures • General Correspondence • Minutes of Meetings 		

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5. Records that can be accessed without a formal request (i.e. a formal request as defined by the Promotion of Access to Information Act)

We do not hold any information that is available for general public access. However, in terms of the following Acts, we are required to ensure that certain categories of records are available for access as prescribed by each Act:

- The Occupational Health and Safety Act No. 85 of 1993;
- The Constitution of the Republic of South Africa No.3 of 1994
- The Value-Added Tax Act No. 89 of 1991;
- Income Tax Act No. 58 of 1962;
- Companies Act No. 61 of 1973 and No 71 of 2008;
- Close Corporation Act No 69 of 1984;
- Basic Conditions of Employment Act No. 75 of 1997;
- Employment Equity Act No. 55 of 1998;
- Labour Relations Act No. 66 of 1995;
- The Medical Schemes Act No. 131 of 1998;
- The Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
- The Atmospheric Pollution Prevention Act No. 45 of 1965;
- The Health Act No. 63 of 1977;
- Consumer Affairs (Unfair Business Practices Act), 71 of 1988
- Customs and Excise Amendment Act, 45 of 1995
- South African Revenue Services Act, 34 of 1997

Notification of the availability of these records in terms of these Acts has not yet been given to the Cabinet Minister of Justice.

Please note that while we have made every effort to identify all pertinent legislation, we cannot guarantee that all legislation has been included. Should you be aware of any specific legislation that should be included and which has been omitted, please contact our Information Officer. Your assistance in this regard will be most appreciated.

6. Procedure to follow when submitting a formal request of access to a record

A request for access to a record that does not fall within the categories identified in Section 5 of this manual must be done formally either via conventional mail, e-mail or fax.

This request should be in the prescribed format as defined in Form C of Annexure B as identified in Government Notice Number 187, Regulation 6. A request form is also available from our offices. The prescribed *request fee* should be attached (refer to Section 8 of this manual for more details on the fees).

Our Information Officer will respond to your request within *30 days* of receiving the request by indicating whether your request for access has been granted.

Please note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an access request form does not automatically allow the requestor access to the requested record.

The request form must be completed CLEARLY and COMPLETELY in block letter. If there is insufficient space on the printed request form in which to answer a question, additional information must be provided on a separate page that is clearly marked and referenced.

If access to a record/information is granted, our response will include:

- An indication of the access fee that should be paid upon gaining access (if any);
- An indication of the form in which the access will be granted;
- A notice that you may lodge an application with the court against the access fee to be paid or the form of the access, including guidance on the procedure for lodging the application.

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If access to a record/information is denied, our response will include:

- Adequate reasons for the refusal; and
- Notice that you may lodge an application with the court against the extension and the procedure including the period, for lodging the application. For details on the procedure, please refer to Chapter 2 of Part 4 of the Promotion of Access to Information Act.

Assuming your request of access is granted, you will be able to gain access to the requested records as soon as is reasonably possible and once the *access fee* has been paid.

Access will be granted to a record if the following criteria are fulfilled:

- The record is required for the exercise or protection of any right;
- The requestor complies with the procedural requirements in the Act relating to a request; and
- Access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of Part 3 of the Act.

7. Denial of access

Access may be refused under limited circumstances including:

- Protecting personal information that we (Equalizer AG (Pty) Ltd) hold about a third person (who is a natural person) from unreasonable disclosure;
- Protecting commercial information that we hold about a third party (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
- If disclosure would result in a breach of a duty of confidence owed to a third party;
- If disclosure would jeopardize the safety or life of an individual;
- If disclosure would prejudice or impair the security of property or means of transport;
- If disclosure would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings unless the privilege has been waived;
- If the record is a computer program;
- Disclosure of the record will put Equalizer AG (Pty) Ltd at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of Equalizer AG (Pty) Ltd; and
- Records containing information about research being carried out or about to be carried out on behalf of a third party or Equalizer AG (Pty) Ltd.

8. Fees

There are two basic types of fees applicable in terms of the Promotion of Access to Information Act – “request” and “access” fees. The non-refundable request fee (currently R 57.00 inclusive of VAT) is payable on submission of the request for access to a record (unless the request is personal in which event there is no applicable fee) and the access fee is payable prior to the actual gaining of access to the records in the required form. The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11.

9. Request for access to information about third parties

If you request access to a record that contains information about a third party, we are obliged to attempt to contact this third party to inform them of the request and to give them an opportunity to respond by either consenting to the access or by providing reasons why the access should be denied. In the event that the third party furnishes reasons for the support or denial of access, our designated Information Officer will consider these reasons in determining whether access should be granted. You may appeal against a refusal of access by our Information Officer. Please refer to Part 4 of the Promotion of Access to Information Act for further details on the Appeal Process.