

**PROTECTION OF PERSONAL INFORMATION (POPI)**

**PROMOTION OF ACCESS TO INFORMATION ACT**

**SECTION 51 MANUAL**

**OFFICIAL GUIDELINES**



*For:* **DEFENCE FENCING CLOSE CORPORATION (CC)**

**("THE COMPANY")**

Registration # 2007 / 200259 / 23

## TABLE OF CONTENTS

INTRODUCTION .....	3
DEFINITIONS.....	3
OVERVIEW OF THE COMPANY .....	3
CONTACT DETAILS OF INFORMATION OFFICER - SECTION 51(1)a.....	4
GUIDE TO THE ACT (SECTION 51(1)b – READ WITH SECTION 10 .....	4
AUTOMATIC DISCLOSURE CATEGORIES OF RECORDS AVAILABLE WITHOUT HAVING TO REQUEST ACCESS – SECTION 5(1)c ...	4
RECORDS AVAILABLE IN TERMS OF LEGISLATION – SECTION 5(1)d [examples] .....	5
CATEGORIES OF RECORDS HELD AND SUBJECT TO REQUEST .....	6
ACCESS: PROCEDURE AVAILABLE AND FEES .....	8
DECISION ON REQUEST – SECTION 56 .....	8
AVAILABILITY .....	9
FEES .....	9
POLICY REVISION .....	9

## INTRODUCTION

This Manual has been prepared by section 51 of the Act and aims to facilitate a Request for access to a Record held by a private body that is required for the exercise or protection of any rights.

## DEFINITIONS

Unless the context indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely –

- “Act” means the Promotion of Access to Information Act, Act 2 of 2000, as amended from time to time.
- “Company” means DEFENCE FENCING CLOSE CORPORATION (CC), as more fully described in the overview hereunder.
- “Information Officer” means the person acting on behalf of the Company and discharging the duties and responsibilities assigned to the head of the Company by the Act. The Information Officer is duly authorised to act as such and such authorisation has been confirmed by the “head” of the Company in writing:
- Manual” means this manual published in compliance with Section 51 of the Act.
- “Record” means any recorded information, regardless of form or medium, which is in the Possession or under the control of the Company, irrespective of whether, or not it was created by the Company.
- “Request” means a request for access to a Record of the Company.
- “Requestor” means any person, including a public body or an official thereof, making a Request for access to a Record of the Company and includes any person acting on behalf of that person; and
- “SAHRC” means the South African Human Rights Commission.
- Unless a contrary intention appears, words signifying:
  - the singular includes the plural and vice-versa.
  - any one gender includes the other genders and vice versa; and
  - natural persons include juristic persons.

Unless otherwise stated, terms defined in the Act shall have the same meaning in this Manual.

## OVERVIEW OF THE COMPANY

**DEFENCE FENCING CC** is a CLOSE CORPORATION incorporated by the company laws of South Africa

The Company produces quality fences, working closely with Homeowners, Developers, Architects, and Business Owners to ensure their vision is crafted to perfection. It specifically works with the Agricultural and Security industry, supplying tailor-

made fencing options for their varied needs. Based in Cape Town, the Company works across the entire Western Cape and the Republic of South Africa.

**CONTACT DETAILS OF INFORMATION OFFICER - SECTION 51(1)a**

The Managing Director of the Company, as head of the private body, has delegated his powers to the Information Officer, whose details appear hereunder for purposes of dealing with all matters in connection with Requests for information on the Company's behalf and to ensure compliance with the Act.

**INFORMATION OFFICER:** BAREND HERMANUS THERON | **IDENTITY NUMBER:** 790612 50 15 08 2

**PHYSICAL ADDRESS:** 7 TRANS ORANIA STREET, TYGERBERG BUSINESS PARK, PAROW, 7493  
WESTERN CAPE, REPUBLIC OF SOUTH AFRICA

**EMAIL:** barry@fencingsa.com

**WEBSITE:** <https://www.fencingsa.com>

**GUIDE TO THE ACT (SECTION 51(1)b – READ WITH SECTION 10**

The South African Human Rights Commission (SAHRC) has compiled a guide, as required by Section 10 of the Act, containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in this Act. The guide is available on the SAHRC website, <https://www.sahrc.org.za/>.

The SAHRC can be contacted directly at:

- The South African Human Rights Commission: PAIA Unit
- The SAHRC website at:
  - <https://www.sahrc.org.za/> at this link: <http://www.sahrc.org.za/home/21/files/Form%20C.doc>; or
  - The Department of Justice and Constitutional Development website at [www.justice.gov.za](http://www.justice.gov.za) at this link: [https://www.justice.gov.za/forms/paia/J752\\_paia\\_Form%20C.pdf](https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf)

**AUTOMATIC DISCLOSURE CATEGORIES OF RECORDS AVAILABLE WITHOUT HAVING TO REQUEST ACCESS – SECTION 5(1)c**

The records below are automatically available without a person having to request access in terms of the Act, while the web page [www.fencingsa.com](http://www.fencingsa.com) is accessible to anyone who has access to the Internet – with the following significant categories of information:

- Brands
- Company info
- Corporate Info
- Corporate Profile
- Product and promotional brochures/pamphlets
- News and marketing information
- Corporate communications
- Other literature intended for public viewing.

#### **RECORDS AVAILABLE IN TERMS OF LEGISLATION – SECTION 5(1)d [examples]**

Records are kept by the following legislation:

- Basic Conditions of Employment Act, 1997
- Broad-Based Black Economic Empowerment Act, 2003
- Businesses Act, 1991 and Companies Act, 2008
- Consumer Protection Act, 2008
- Compensation for Occupational Injuries and Diseases Act, 1993
- Copyright Act, 1978
- Deeds Registries Act, 1937
- Electronic Communications and Transactions Act, 2002
- Employment Equity Act, 1998
- Financial Markets Act, 2012
- Foodstuffs, Cosmetics and Disinfectants Act, 1972
- Harmful Business Practices Act, 1999
- Immigration Act, 2002
- Income Tax Act, 1962
- Labour Relations Act, 1995
- Long Term Insurance Act, 1998
- Medical Schemes Act, 1956
- Occupational Health and Safety Act, 1993
- Pension Funds Act, 24 of 1956

- Prevention of Organised Crime Act, 1998
- Protected Disclosures Act, 2000
- Securities Services Act, 2004
- Short Term Insurance Act, 1998
- Skills Development Act, 1998
- Skills Development Levies Act, 1999
- Trademarks Act, 1993
- Unemployment Insurance Act, 2001
- Value Added Tax Act, 1991

## **CATEGORIES OF RECORDS HELD AND SUBJECT TO REQUEST**

### **Statutory and Legal**

- Statutory registers
- Annual reports
- Statutory Records & returns, including incorporation documents, memorandum of incorporation, and share register.
- Minutes of meetings
  - board
  - board and statutory committees
  - management committees
- Contractual and legal agreements
- Intellectual property: trademarks certificates
- Licenses
- Copyrights & designs
- Health and Safety Records

### **Human Resources**

- HR policies & procedures
- Employment equity plan and report
- Skills development plan and report
- Employee Records
- Benefits
- IR disciplinary and grievance procedures and hearings, including CCMA Records
- Union negotiation Records
- Incentive scheme rules

### **Administration, Finance & Accounting:**

- Accounting Records
- Auditors, or Accountant's reports
- Tax returns
- VAT returns
- Policies & procedures

**Retirement Fund**

- Pension and provident fund rules
- Correspondence
- Statutory Records and Returns.

**Insurance**

- Policies, including coverage, limits, and insurers.
- Claim Records

**Information technology**

- Hardware
- Software packages
- Licenses
- IT policies and procedures
- Operating systems

**Sales and Marketing**

- Customer Records
- Credit application forms
- Statements of account
- Terms & conditions
- Marketing material and media releases: brochures, newsletters, and advertising materials

**Assets**

- Land and building register.
- Fixed assets register
- Title deeds
- Leases

**Operational information**

This information is defined as information needed in the day-to-day running of the organization:

- Internal telephone record,
- address lists,
- company policies,

- company procedures
- human resource manual,
- administration manuals,
- Industry-related statistical data
- customer database, historical customer histories,
- management information reports,

**ACCESS: PROCEDURE AVAILABLE AND FEES**

## How to Request a Record (Section 53)

- Requests for access to Records must be made to the Information Officer in writing at the address, fax number, or electronic mail address referred to in 1 above. Failure to make use of the prescribed form could result in the Request being refused or delayed.
- A Request for access to a Record must be accompanied by payment of an initial non-refundable Request fee of R 100.00 (inclusive of VAT). This fee does not apply to personal Requests, i.e. individuals seeking access to Records pertaining to him/herself.
- The Requestor must provide sufficient detail on the Request form to enable the Information Officer to identify the Record as well as the Requestor's identification, which is to be accompanied by positive proof of identification.
- The Requestor must indicate which form of access is required and if he/she wishes to be informed of the decision on the Request in any other manner, to state the necessary particulars to be so informed.
- *Access is not automatic.* The Requestor must therefore identify the right he/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.
- If a Request is made on behalf of a person, the Requestor must then submit proof, to the satisfaction of the Information Officer, of his/her authority to make the Request. Failure to do so will result in the Request being rejected.

**DECISION ON REQUEST – SECTION 56**

- The Requestor will be notified, within 30 days, in the manner indicated by him/her of the outcome of his/her Request, alternatively whether an extension not exceeding 30 days is required to deal with the Request.
- If the access request is granted a further access fee must be paid for the reproduction as well as the search and preparation of the Records and for any time that has exceeded the prescribed hours to search and prepare the Record for disclosure. Access will be withheld until the Requestor has made payment of the applicable fee(s).
- If the access request is refused, reasons for the refusal will be provided and the Requestor will be advised that he/she/they may lodge an application with a court against the refusal of the Request, as well as the procedure for applying.



- The Requestor may lodge an internal appeal or an application to the court against the tender for payment of the Request fee.

**AVAILABILITY**

This Manual is available at the Company's offices: 7 TRANS ORANIA STREET, TYGERBERG BUSINESS PARK, PAROW, 7493 WESTERN CAPE, REPUBLIC OF SOUTH AFRICA during office hours; 09H00 till 16h00, Monday to Friday, excluding Public Holidays.

Access to the office is dependent on government pandemic (or similar) lockdown measures (COVID, Natural Disasters, Strikes and demonstrations, Civil unrest - and other eventful considerations.

- If the access request is granted a further access fee must be paid for the reproduction as well as the search and preparation of the Records and for any time that has exceeded the prescribed hours to search and prepare the Record for disclosure. Access will be withheld until the Requestor has made payment of the applicable fee(s).
- If the access request is refused, reasons for the refusal will be provided and the Requestor will be advised that he/she may lodge an application with a court against the refusal of the Request, as well as the procedure for applying.
- The Requestor may lodge an internal appeal or an application to the court against the tender for payment of the Request fee.

**FEES**

The fees payable in respect of access to Records are as follows:

- a Request Fee of R100.00
- a fixed administrative fee of R3'800
- Additional work will be charged at a rate of R 950.00 per hour.
- All rates are exclusive of VAT.

**POLICY INCEPTION**

Date: 01 July 2020

**POLICY REVISION**

Date: 01 July 2021