

THE PROMOTION OF ACCESS TO INFORMATION MANUAL

developed in terms of section 51 of the Act

PROMOTION OF ACCESS TO INFORMATION ACT, ACT 2 OF 2000

("The Act")

for

ACTI-CHEM S.A. (PTY) LTD

Registration no. 1997/005080/07

(Herein after referred to as "THE ORGANIZATION").

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1. INTRODUCTION

This manual intends to foster a culture of transparency and accountability by setting out how we protect and give access to information that is needed to exercise or protect any right. We also want to actively promote a society in which the people of South Africa have effective access to information to allow them to more fully exercise and protect their rights. This manual explains how you can submit requests for access to records in terms of the Promotion of Access to Information Act 2 of 2000 (the Act).

To promote effective governance of private bodies, it's necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act so they can exercise their rights in relation to public and private bodies.

Section 9(b) of the Act recognises that there are limits to the information people or organisations can request.

These justifiable limits include the following, but there could be other cases where information cannot be shared:

- Limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective, efficient good governance; and
- Limits which balance the right to access to information with any other rights, including rights in the Bill of Rights in Chapter 2 of the Constitution.

To balance these rights, we'll evaluate all requests for access to information individually and in line with the Act.

2. PURPOSE OF THE PAIA MANUAL

We drafted this manual in line with Section 51 of the Act with the intention of:

- Providing a description of the records held by THE ORGANIZATION;
- Setting out why we can refuse to give you access to any records; and
- Outlining the procedure and the associated fees when requesting access to records.

The reference, in this Manual, to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

3. PARTICULARS ABOUT THE ORGANIZATION IN TERMS OF SECTION 51 OF THE ACT

Name of Private Body:	ACTI-CHEM S.A. (PTY) LTD
Objectives:	THE ORGANIZATION was incorporated on 1997/05/08 and has as its main business the marketing and sale of industrial chemicals.
Directors:	G.J. Robinson D. Pillay
Designated Information Officer:	Shaleena Devcharan Khan
Email address of Information Officer:	shaleena@acti-chem.com
Postal address:	P.O. Box 952, Westville 3630
Physical address:	Block C, Surrey Park, 6 Barham Road, Westville 3630
Phone number: Fax number:	031 2669531 031 2669556
Auditors and accountants:	Baker Tilly Morrison Murray 031 267 5300 20 Westville Road, Westville, 3629, South Africa PO Box 1098, Westville, 3630, South Africa www.bakertillymm.co.za
Entity bankers :	Nedbank Ltd, Business KwaZulu Natal
Bank branch :	164826

4. THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT

A guide on how to exercise your rights in terms of the Act is available from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit: Research and Documentation Department

Postal address:
Private Bag 2700
Houghton
2041

Telephone: +27 11 484-8300
Fax: +27 11 484-0582
Website: www.sahrc.org.za
E-mail: paia@sahrc.org.za

5. PRIVACY PRACTICES

We collect personal or other information to:

- Meet our responsibilities to customers, employees and other natural or juristic persons;
- Follow your instructions;
- Inform you of new services; and
- Make sure our business suits your needs.

Personal information may be received from or provided to:

- any regulatory authority and the regulators;
- comply with any regulation passed under the relevant legislation, or any legal process;
- protect and defend THE ORGANIZATION'S rights and property (including THE ORGANIZATION'S intellectual property);
- Persons in order to protect public interest;
- Agents / advisers / intermediaries;
- Group companies;
- Third party service providers in order to uphold contractual obligations or service customers.

THE ORGANIZATION may from time to time, share with or receive personal information from parties as set out above, where these parties reside outside of the Republic of South Africa. All such persons are required to abide by THE ORGANIZATION'S policies, procedures and guidelines, regardless of legislative requirements for data protection in these countries.

Employee personal information may be received from or provided to:

- Pension / provident funds and/or their trustees;
- Medical aid funds;
- Recruitment companies;
- Credit bureaux.

We are committed and obliged to implement all reasonable controls to safeguard access to your personal information.

Where third parties are required to process your personal information in relation to the purposes set out in this manual and for other legal requirements, we ensure that they are contractually bound to apply the appropriate personal information security practices.

6. TYPES OF RECORDS HELD BY THE ORGANIZATION

THE ORGANIZATION maintains the following records:

6.1 In accordance with the following legislation:

- Basic Conditions of Employment Act 75 of 1997
- Customs and Excise Act 91 of 1964
- Hazardous Substances Act 15 of 1973
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Employment Equity Act 55 of 1998
- Road Traffic Act 93 of 1996
- Financial Services Board Act 97 of 1990
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

6.2 Subjects and categories of records held by THE ORGANIZATION

We maintain records on the following categories and subject matters. However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act. In particular, there may be applicable grounds of refusal of such a request, as set out in the Act.

Please note further that many of the records held by us are those of third parties, such as clients and employees, and we take the protection of third party confidential information very seriously. Requests for access to these records will be considered very carefully. Please ensure that requests for such records are carefully motivated.

6.3 Internal records

The following are records pertaining to THE ORGANIZATION own affairs:

- Memorandum of Incorporation;
- Financial records;
- Operational records;
- Intellectual property ;
- Marketing records;
- Internal correspondence;
- Service records;
- Statutory records;
- Internal policies and procedures;
- Minutes of meetings;
- Charters, codes of conduct and policies (both internal and external) to which THE ORGANIZATION and its personnel subscribe; and
- Records held by officials of THE ORGANIZATION.

6.4 Personnel records:

For the purposes of this section, “personnel” means any person who works for or provides services to or on behalf of THE ORGANIZATION and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of THE ORGANIZATION. This includes, without limitation, partners, directors, all permanent, temporary and part-time staff as well as consultants and contract workers.

Personnel records include the following:

- Any personal records provided to us by our personnel;
- Any records a third party has provided to us about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records; Employment policies and procedures;
- Internal evaluation and disciplinary records; and

- Other internal records and correspondence.

6.5 Customer-related records:

Customer-related information includes the following:

- Contracts with the customer and between the customer and other persons;
- Any records a customer has provided to THE ORGANIZATION or a third party acting for or on behalf of THE ORGANIZATION;
- Any research conducted by THE ORGANIZATION in respect of its customers or research derived by THE ORGANIZATION from its customers and their activities;
- Records, reports, designs and the like generated by THE ORGANIZATION for its customers;
- Any records a third party has provided to THE ORGANIZATION which concerns a customer; and
- Records generated by or within THE ORGANIZATION pertaining to the customer, including transactional records.

6.6 Other Parties:

- Records are kept in respect of other parties, including without limitation joint ventures and consortia to which THE ORGANIZATION is a party, contractors and subcontractors, suppliers, service providers, and providers of information regarding general market conditions. In addition, such other parties may possess records which can be said to belong to THE ORGANIZATION. The following records fall into this category:
 - Personnel, customer, or THE ORGANIZATION records which are held by another party as opposed to being held by THE ORGANIZATION; and
 - Records held by THE ORGANIZATION pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers.

6.7 Other Records:

We hold further records, including:

- Information relating to THE ORGANIZATION'S own commercial activities;
- Procurement and administration for THE ORGANIZATION; and
- Research information belonging to THE ORGANIZATION or carried out on behalf of a third party.

The information is only available in the circumstances prescribed by the Act.

However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

We may refuse to give you access to documents depending on the situation, which situations are set out under the Act.

7. CATEGORIES OF RECORDS OF THE ORGANIZATION WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF THE ACT, IE VOLUNTARY DISCLOSURE. [SECTION 51(1)(C)]

THE ORGANIZATION is not obliged to publish a notice in terms of Section 52(2) of the Act and to date has not elected to do so. Nevertheless THE ORGANIZATION does make certain information freely available to the public in various brochures, press releases and publications.

Certain information is also made available to employees of THE ORGANIZATION, which is not generally made available to the public. To avoid confusion, these items are not listed here but may be obtained by THE ORGANIZATION'S employees from the Information Officer.

8. HOW TO REQUEST A RECORD, A DESCRIPTION OF THE SUBJECTS ON WHICH WE HOLD RECORDS, AND THE CATEGORIES OF RECORDS HELD ON EACH SUBJECT

8.1 How to request a record

- Requests for access to records held by THE ORGANIZATION must be made on the request forms that are available from the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development website (www.doj.gov.za) (under "regulations"). For the convenience of requestors, copies of these forms are included in the version of this Manual available at our offices and on our website (Annexure A).
- Requests for access to records must be made to our Information Officer at the address, fax number or electronic mail address provided.
- The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- It is vital that the requester identifies the right that he or she is seeking to exercise or protect and provides 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 our Information Officer.

- If a requestor does not use the standard form (Annexure 1), the request may be rejected for lack of procedural compliance, refused (if sufficient information is not provided, or otherwise) or delayed.
- Please note that requestors are also required to pay the prescribed fees. The prescribed fee for requests to private bodies is available on the website of the SAHRC under the link “access to information/PAIA”.
- The head of the private body must notify the requester (other than a personal requester) of the prescribed fee (if any) before further processing the request. The requester may lodge an internal appeal or an application to Court against the tender or payment of the request fee.
- The head of the private body will then make a decision on the request and notify the requester in the required form.
- If the request is granted then a further access fee must be paid for the reproduction and the search and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- Kindly note that all requests to THE ORGANIZATION will be evaluated and considered in accordance with the Act. Publication of this Manual and describing the categories and subject matter of information held by THE ORGANIZATION does not give rise to any rights to access such information or records, except in terms of the Act.

9. OTHER INFORMATION AS MAY BE PRESCRIBED

No such information has been prescribed.

10. AVAILABILITY OF THE MANUAL

This manual is available from the South African Human Rights Commission (see details above) and from THE ORGANIZATION.

ANNEXURE A

FORM C (of Regulation 10)

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))

A. Particulars of private body

The Managing Director: "Name of firm"

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:	
Mark the appropriate box with an X. NOTES: (a) Compliance with your request 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:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If record consists of visual images (includes photos, slides, video, computer images, sketches etc.)			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
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)
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"/>		<input type="checkbox"/>	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: FEES

Copies of this PAIA manual

Copies of this manual are R1.10 for every A4 page.

Reproduction fees Please note that we have set out these fees in line with the Act.

Access fees

An access fee applies in all instances where we grant a request for access to information, except in those instances where payment of an access fee is specifically excluded in terms of the Act or the Minister determines an exclusion in terms of Section 54(8) of the Act.

The applicable access fees are:

Every photocopy of an A4 page R1.10

Every printed copy of an A4 page from a computer or in electronic or computer-readable form R0.75

To search for a record that must be disclosed (per hour or part of an hour reasonably required for searching) R30.00 an hour