

Atec Project Management and Consulting (Pty) Ltd
Registration number: 2007/006099/07

Manual in terms of section 51 of the
Promotion of Access to Information Act 2 of 2000

Promotion of Access to Information Act, Act 2 of 2000 (The Act)

Section 51 Manual of Atec Project Management and Consulting (Pty) Ltd (Registration number 2007/006099/07)

1. Contact particulars, section 51(1)(a)

Head of business: Albert Jacobs
Information officer: Albert Jacobs
Postal address: PO Box 12208
Clubview
0014
Physical address: Unit 11, Cambridge Park
5 Bauhinia Street, Highveld Technopark
Centurion
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Telephone number: (012) 665 3807
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Email address: albert.jacobs@atecpmc.co.za
Web address: www.atecpmc.co.za

2. Introduction

Consulting Engineers

3. Guide in terms of section 10 The Act, section 51(1)(b)

Any person who wishes to exercise any right contemplated in The Act may obtain a copy of the information guide issued by the Human Rights Commission in all official languages, from the Human Rights Commission at 29 Princess of Wales Terrace, cnr York and St. Andrews Street, Parktown and on its website at www.sahrc.org.za.

4. The latest notice in terms of section 52(2)

At this stage no notice has been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

5. Information available in terms of other legislation, section 51(1)(d)

Information is available in terms of certain provisions of the following legislation:

- 5.1 Basic Conditions of Employment Act 75 of 1997
- 5.2 Compensation for Occupational Injuries and Disease Act 130 of 1993
- 5.3 Companies Act 71 of 2008
- 5.4 Income Tax Act 58 of 1962
- 5.5 Labour Relations Act 66 of 1995
- 5.6 Employment Equity Act 55 of 1998
- 5.7 Promotions of Access to Information Act 2 of 2001
- 5.8 Skills Development Act 97 of 1998
- 5.9 Unemployment Insurance Act 63 of 2001
- 5.10 Value Added Tax Act 89 of 1991

5.11 Occupational Health and Safety Act. No 85 of 1993

6. Information available in terms of The Act, section 51(1)(e)

The subjects on which the business holds records and the categories on each subject are as listed below. Please note the a requestor is not automatically allowed access to these records and that access to them may or must be refused in accordance with section 62 to 69 of The Act.

6.1 Accounting records

- 6.1.1 Annual financial statements
- 6.1.2 General ledger
- 6.1.3 Subsidiary ledgers (receivables, payables, etc)
- 6.1.4 Bank statements, proof of payment.
- 6.1.5 Deposit slips
- 6.1.6 Cashbooks and petty cash books
- 6.1.7 Fixed asset register
- 6.1.8 Tax returns and assessments
- 6.1.9 VAT returns
- 6.1.10 Lease or instalment sale agreements
- 6.1.11 Insurance records
- 6.1.12 Auditor's reports

6.2 Legal, Agreements and Contacts

- 6.2.1 Agreements with customers

6.3 Personnel Records

- 6.3.1 Disciplinary records
- 6.3.2 Employee evaluation and performance records
- 6.3.3 Employee information records
- 6.3.4 Employee loans
- 6.3.5 Employment applications
- 6.3.6 Employment contracts
- 6.3.7 IRP 5 and IT 3 certificates
- 6.3.8 Letters of appointment
- 6.3.9 Leave applications
- 6.3.10 Medical aid records
- 6.3.11 Payroll
- 6.3.12 Personnel file
- 6.3.13 Policies and procedures
- 6.3.14 Time records
- 6.3.15 Training records
- 6.3.16 UIF, PAYE and SDL returns
- 6.3.17 Workmen's Compensation documents

6.4 Sales and Marketing

- 6.4.1 Brochures, newsletters and marketing material
- 6.4.2 Service and product information

6.5 Statutory Company Records

- 6.5.1 Certificate of Incorporation
- 6.5.2 Certificate to Commence Business
- 6.5.3 Memorandum and Articles of Association
- 6.5.4 Minutes of Board and Directors Meetings
- 6.5.5 Share Register
- 6.5.6 Register of Allotments
- 6.5.7 Register of directors and officers

7. Requesting procedures, section 51(e)

A person who wants access to the records must complete the attached Form C. The completed request form must be sent to the address or fax number provided in this manual, and marked for the attention of the Information Officer.

The form must provide sufficient particulars to enable the head of the private body to identify the record/s requested and to identify the requester. Indicate which form of access is required and:

- Specify a postal address or fax number of the requester in the Republic,
- Identify the right that the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right,
- If in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner,
- If the request is made on behalf of another person, to submit proof of the capacity in which the requestor is making the request, to the reasonable satisfaction of the head of the private body.

8. Fees Payable, section 51(1)(f)

A request for access to records must be made in the prescribed Form C (a copy of which is attached) which should be sent to the address, fax number or electronic mail address.

Please note that an initial, non-refundable request fee of R57,00 (inclusive of VAT) is payable on submission.

This fee is not applicable to personal requests, i.e. individual seeking access to records pertaining to those individuals themselves.

In the event that a request for access is successful an access fee will be payable for the search, reproduction and/or preparation of records and will be calculated based on the fee prescribed under the Act.

The access fee must be paid prior to access being given to the requested record.

Request for information will be evaluated and the applicant will be notified within 30 days after receipt of the request in the prescribed format of the following:

Notification of extension period (if required)

Applicants must take note that in terms of the Act the 30 (thirty) days period mentioned above may be extended for a further period of not more than 30 (thirty) days under certain circumstances (details will be provided together with the notification of such extension);

The access fee and/or deposit

The applicant will be informed of the access fee (*if any*) which is payable for having access to the records. In addition, a deposit may be requested which is fully refundable in the event that the application is ultimately refused.

Decision on request

The applicant will be informed whether or not the application for access has been denied, or granted. In the event that it is granted the information referred to above pertaining to the access fee, any deposit payable and any other relevant matters will be advised. In the event that the applicant is refused the applicant will be given adequate reasons for the refusal and will be informed that the applicant may lodge an application with a Court against the refusal of the application, as well as the procedure (including the period) for lodging such application.

Grounds for refusal

The Company may legitimately refuse to grant access to a requested record that falls within a certain category.

Grounds on which the Company may refuse include:

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

Records that cannot be found or do not exist

If the Company has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

Third party information

If access is requested to a record that contains information about a third party, the Company is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event of the third party furnishing reasons for the support or denial of access, our designated contact person will consider these reasons in determining whether access should be granted, or not.

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 <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> person.
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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

- | |
|--|
| <p>(a) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be <i>notified of</i> the amount required to be paid as the request fee.</p> <p>(c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record.</p> <p>(d) If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption.</p> |
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Reason for exemption from payment of fees:

F. Form of access to record

<p>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.</p>
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Disability:	Form in which record is required
<p>Mark the appropriate box with an X.</p> <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		
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"/>		<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)		
<p>'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.</p>			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
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 of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE