

POLICY STATEMENT AND MANUAL OF:

PROMOTION OF ACCESS TO INFORMATION ACT, ACT 2 OF 2000 ("The Act") MANUAL IN TERMS OF SECTION 51 OF THE ACT

FOR

Southern Oil (Pty) Ltd

(hereinafter referred to as "SOILL")

(Registration number: 1995/006698/07)

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A. INTRODUCTION

1. The Promotion of Access to Information Act, Number 2 of 2000 was enacted on 03 February 2000, giving effect to the constitutional right in terms of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.
2. In terms of section 51 of the Promotion of Access to Information Act, all Private Bodies are required to compile a PAIA policy manual.

B. PARTICULARS OF THE PRIVATE BODY

SOILL is a group of companies functioning within the agricultural, retail, insurance, finance, grain storage and production space that is obligated to comply with section 51 of the Promotion of Access to Information Act, Number 2 of 2000.

1) Contact details [Section 51(1)(a)]

The details of SOILL's Information Officer, Deputy Information Officers, Co-operative Secretary and Head Office are as follows:

SOILL Information Officer:

Name: Kellerman Becker
Telephone number: (028) 514 3441
E-mail address: kellie@soill.co.za

SOILL Deputy Information Officer:

Name: Christo Esterhuysen
Telephone number: (028) 514 3441
E-mail address: christo@soill.co.za

SOILL Deputy Information Officer:

Name: Diana Venter
Telephone number: (028) 514 3441
E-mail address: diana@soill.co.za

SOILL Deputy Information Officer:

Name: Hein van Rooyen
Telephone number: (028) 514 3441
E-mail address: hein@soill.co.za

Head Office details:

Telephone number: (028) 514 3441
Postal address: PO Box 707, Swellendam, 6740
Physical address: Koringland Street, Industrial Area, Swellendam, 6740
E-mail address: info@soill.co.za
Website: www.soill.co.za

2) The Section 10 Guide on how to use the Act [Section 51(1)(b)]

A Guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right contemplated by PAIA. It is available in all of the official languages.

The Guide is available for inspection, inter alia, at the offices of the Human Rights Commission at 29 Princess of Wales Terrace, corner York and St. Andrews Street, Park town and on its website at www.sahrc.org.za.

3) The latest notice in terms of Section 52(2) [Section 51(1)(c)]

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

4) Records available in terms of other legislation [Section 51(1)(d)]

The private body is subject to all laws of the Republic of South Africa. The list of Acts shown below may not be exhaustive; accordingly, the entity may be subject to further Acts; alternatively, there may be Acts listed which are not applicable to the entity.

- Administration of Estates Act No. 66 of 1965
- Arbitration Act No. 42 of 1965
- Basic Conditions of Employment No. 75 of 1997
- Closed Corporations Act No. 69 of 1984, as amended
- Companies Act No. 71 of 2008
- Compensation for Occupation Injuries and Health Diseases Act No. 130 of 1993
- Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
- Consumer Protection Act
- Copyright Act No. 98 of 1978
- Credit Agreements Act No. 75 of 1980
- Currency and Exchange Act No. 9 of 1933
- Debtor Collectors Act No. 114 of 1998
- Employment Equity Act No. 55 of 1998
- Finance Act No. 35 of 2000
- Financial Intelligence Centre Act of 2001
- Financial Services Board Act No. 97 of 1990
- Financial Relations Act No. 65 of 1976
- Harmful Business Practices Act No. 23 of 1999
- Income Tax Act No. 58 of 1962
- Insolvency Act No. 24 of 1936
- Insurance Act No. 27 of 1943
- Intellectual Property Laws Amendments Act No. 38 of 1997
- Labour Relations Act No. 66 of 1995
- Long Term Insurance Act No. 52 of 1998
- Medical Schemes Act No. 131 of 1998
- Occupational Health and Safety Act No. 85 of 1993

- Pension Funds Act No. 24 of 1956
- Post Office Act No. 44 of 1958
- Regional Service Councils Act No. 109 of 1985
- SA Reserve Bank Act No. 90 of 1989
- Short Term Insurance Act No. 53 of 1998
- Skills Development Levies Act No. 9 of 1999
- Skills Development Act No. 97 of 1998
- Stamp Duties Act No. 77 of 1968
- Stock Exchange Control Act No. 1 of 1985
- Tax on Retirement Funds Act No. 38 of 1996
- Trade Marks Act No. 194 of 1993
- Transfer Duty Act No. 40 of 1949
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Usury Act No. 73 of 1968
- Value Added Tax Act No. 89 of 1991

5) Subjects and categories of records held by the private body [Section 51(1)(e)] See note at the end of the document – more information stated in previous policy – please review

5.1 Limited

- Founding Statement and amendments thereto
- Minute Book

5.2 Financial Records

- Annual Financial Statements
- Accounting records
- Asset register and title deeds of any land owned by SOILL
- Bank and related records
- Inventory register
- Income and expense vouchers
- Shareholder Register
- Client / Supplier Agreements

5.3 Taxation Records

- PAYE records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- Private body tax return
- All other statutory compliances:
- VAT
- Regional Service Levies
- Skills Development Levies
- UIF

5.4 Personnel Documents and Records

- Disciplinary records
- Employment contracts and Human Resources related documents
- Labour relation correspondence
- Leave records
- Remuneration records and policies
- SETA records
- Training manuals
- Training records
- Workmen's Compensation
- All other related records

5.5 Detail on how to make a request for access [Section 51(1)(e)]

- i. Records of subjects and categories of the private body, which are available without a person having to request access in terms of this Act in terms of Section 52(2) [Section 51(1)(c)]
- ii. The request procedures

Form of request:

The requester must use the prescribed form (Refer **Annexure 1 – PAIA Request for access to record form** below) to make the request for access to a record. The request must be made to the SOILL Information Officer. (See **section B 1** of this policy above for contact details).

The requester must provide sufficient detail on the request form to enable the SOILL Information Officer to identify the record and the requester.

The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [Section 53(2)(a), (b) and (c)].

The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [Section 53(2)(d)].

If a request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body [Section 53(2)(f)].

Fees:

A requester who seeks access to a record containing personal information about the requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- The member of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [Section 54(1)].
- The fee that the requester must pay to a private body is R50,00. The requester may lodge an application to the court against the tender or payment of the request fee [Section 54(3)(b)].
- After the member of the private body made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid (**Refer Annexure 2 – PAIA Fees for Request of Records** form below) for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [Section 54(6)].

6) Other information as may be prescribed [Section 51(1)(f)]

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

7) Availability of the manual [Section 51(3)]

The manual is available for inspection at the offices of the private body free of charge and copies are available with the South African Human Rights Commission and in the Gazette.

8) Records that cannot be found

If SOILL searches 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 the attempt to locate the record.

9) Remedies available when SOILL refuses a request for information

9.1 Internal Remedies

SOILL does not have internal appeal procedures, the Courts will have to be approached if the request for information is refused. This would apply to any situation in which the requester wishes to appeal a decision made by the Information Officer.

9.2 External Remedies

A requester who is dissatisfied with an Information Officer's refusal to disclose information, may, within 30 days of notification of the decision, apply to a Court for relief. Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may, within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and the Magistrates Court.

Annexure 1 - PAIA Request for access to record form



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REPUBLIC OF SOUTH AFRICA

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:

Telephone number: (.....)

Fax 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:

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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:

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3. Any further particulars of record:

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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:

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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 below, 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 for access 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:					
	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images		copy of the images*		transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record*		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..... ofyear

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

Annexure 2 - PAIA Fees for request of records

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Physical Address
33 Hoofd Street
Braampark Forum 3
Braamfontein
2198

Postal Address
Private Bag X 2700
Houghton
2041

Tel: (011) 877 3600

Fax: 011 403 0625



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 – R1.10
- 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: ML Mushwana; **Deputy Chairperson:** P Govender; **Commissioners:** L Mokate, B Malatji, J Love, D Titus
Chief Executive Officer: K Ahmed