

PAIA MANUAL

SIBAKHULU CONSTRUCTION (PTY) LTD (the Company)
Reg. No. 1998/009713/07

**MANUAL IN TERMS OF
SECTION 51 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT**

Act No 2 of 2000 (the "ACT")

Compiled/Update
1 July 2021



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1. Introduction

This manual is published in accordance with Section 51 of the Promotion of Access to Information Act, 2000 ("PAIA"). PAIA gives effect to the public's constitutional right to have access to information that is required for the exercise or protection of any rights.

Sibakhulu Construction (Pty) Ltd (the Company) is a private body as defined, whose main business is Civil Construction.

The Company is a subsidiary of Power Construction (Pty) Ltd.

This document serves as the manual of the Company as required in terms of PAIA and describes the categories of records held and the procedures that need to be followed to request access to such records.

PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

2. Contact details for PAIA requests (Section 51 (1) (a))

All requests made in terms of the Act as identified in this manual should be directed to the following Information Officers who have been appointed to deal with these requests:

Power Group Information Officer: Morkel Stofberg

Power Group Deputy Information Officer: Nico van Wyk

Postal address : PO Box 129
Blackheath
7581

Street Address : c/o Power Group
Cnr Strand (R102) and Wimbledon Roads
Blackheath
7580

Telephone number : (021) 907-1300
Email address : mstofberg@powergrp.co.za
Website : <http://www.powergroup.co.za>

3. Objectives of this manual

The objectives of this Manual are:

- To provide a list of all records held by the legal entity;
- To set out the requirements with regard to who may request information in terms of PAIA as well as the grounds on which a request may be denied;
- To define the manner and form in which a request for information must be submitted.



4. The South African Human Rights Commission Guide to the Act (Section 51 (1) (b))

- 4.1. The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 4.2. Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in Sections 6 and 7 of the Act.
- 4.3. Requesters are referred to the Guide in terms of Section 10 of the Act which has been compiled by the South African Human Rights Commission (SAHRC), which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC. Please direct any queries to:

The South African Human Rights Commission:
PAIA Unit
The Research and Documentation Department
Postal address : Private Bag 2700
Houghton, 2041
Telephone : +27 11 484-8300
Fax : +27 11 484-7146
Website : www.sahrc.org.za
E-mail : PAIA@sahrc.org.za

5. Information in terms of applicable legislation of the Act (Section 51(1) (c))

Where applicable to our operations, information is also available in terms of certain provisions of applicable statutes, including but not limited to:

No	Act	Reference
1	Companies Act	No 61 of 1973
2	Finance Act	No 35 of 2000
3	Income Tax Act	No 95 of 1967
4	Promotion of Access of Information Act	No 2 of 2000
5	Protection of Information Act	No 84 of 1982
6	Protection of Personal Information Act	No 4 of 2013
7	Regional Services Councils Act	No 109 of 1985
8	South African Reserve Bank Act	No 90 of 1989
9	South African Revenue Services Act	No 34 of 1997



10	Stamp Duties Act	No 77 of 1968
11	Usury Act	No 73 of 1968
12	Value Added Tax Act	No 89 of 1991

6. Access to information held by the Company (Section 51 (1) (d))

The subjects and categories of official and/or confidential information on which the private body holds records are listed below.

Many of the records held by the company are confidential and others are the property of third parties, such as client and employees. The company takes the protection of the third-party confidential information very seriously and any requests for access to these records will be considered very carefully.

Please note that a requestor is not automatically allowed access to these records and that access to them may or must be refused in accordance with sections 62 and 69 of the Act.

1) Information readily available

Newsletters / Brochures
Marketing and promotional material

2) Records that may be requested:

Company Secretarial Records

- Documents of Incorporation
- Memorandum of Incorporation
- Memorandum and articles of Association
- Minutes of board of directors meeting
- Records relating to the appointment of directors/auditor/secretary/public officer and other officers
- Share register and other statutory registers
- Resolution register
- Shareholders' Agreements
- Power of attorney agreements

Documents relating to legal proceedings

Finances

- Annual financial statements
- Assets register
- Banking details
- Bank statements
- Financial statements
- Stock records



Specific agreements and documents relating to the private body's business activities.

7. Form of Request (Section 51 (1) (e))

To facilitate the processing of a request, the following should be followed:

7.1. Completion of the prescribed form:

- a) Use the prescribed form (Form C), attached as annexure A to this manual. The prescribed form is also available on the website of the SAHRC at www.sahrc.org.za.
- b) The requester must use this form to make the request for access to a record. This request must be made to the address or electronic mail address, as provided in this manual and marked for the attention of the Information Officer.
- c) A request for access to information which does not comply with the formalities as prescribed by PAIA, will be returned to you.
- d) A requester needs to provide the Company with sufficient details to enable it to identify:
 - The record(s) requested;
 - The requester (and if an agent is lodging the request, proof of capacity);
 - The form of access required;
 - The postal address or fax number of the requester within South Africa;
 - If the requester wishes to be informed of the decision in a manner (in addition to written) the manner and particulars thereof;
 - The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

7.2. Fees:

The Act provides for two categories of fees payable. The following applies to requests (other than personal requests):

- a) A request fee: a requester is required to pay the prescribed fee (R50.00) before a request will be processed.
- b) Access fee: a requester is required to pay an access fee once a request for access is granted. This is calculated by taking into account the costs involved by the private body in obtaining and preparing a record for delivery.
- c) If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of note more than one third of the access fee, which would be payable if the request were granted).



- d) Where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.
- e) The fee structure is attached as annexure B and is available on the website of the SAHRC at www.sahrc.org.za

7.3. Grounds for refusal or access and protection of information:

There are various grounds upon which a request for access to a record may be refused. All requests to the private body will be evaluated and considered in accordance with the Act.

7.4. Voluntary disclosure

The Company does make certain information freely available on www.powergroup.co.za without request. The website contains various categories of information. Promotional material such as brochures and newsletters are published at times and available on the website and the office of the company.

8. 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.

9. Availability of the manual

The manual is also available for inspection during office hours at the offices of the Company free of charge. Copies are available from the SAHRC and at www.powergrp.co.za.


10. Updates to the Manual

The Company may update this manual at such intervals as may be deemed necessary.

11. Date of compilation

Signed at Blackheath on 6 July 2021

For and on behalf of Sibakhulu Construction (Pty) Ltd, duly authorised hereto.


S.P.M. STOFFBERG
HOD: HUMAN RESOURCES



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 for information is made on behalf of <i>another</i> 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 for 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		transcription of the images*		
		copy 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*		copy in computer readable form* (stiffy or compact disc)		
		printed copy of information derived from the record"			
'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.			<table border="1"> <tr> <td style="width: 50%;">YES</td> <td style="width: 50%;">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



SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Tel: (011) 877 3600

Fax: 011 403 0625

Physical Address
33 Hoofd Street
Braampark Forum 3
Braamfontein
2198

Postal Address
Private Bag X 2700
Houghton
2041



**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

Chairpersons: M. Mkhwanazi, Doreen Chalmerson, P. Govender; Commissioners: J. Mkhate, R. Malati, J. Louw, D. Tshis