




## PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) INFORMATION MANUAL

A copy of this manual will be available for inspection at the registered office of the company, being as follows:

**163 Main Road  
Green Point, Cape Town  
South Africa  
8005**

### DOCUMENT CONTROL

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## **1 INTRODUCTION**

The purpose for the enactment of the Promotion of Access to Information Act of 2000 (hereinafter referred to as "the Act") is to address Section 32 (2) of the Constitution, which provides that any person has a right to gain access to any information held by a public or private body. If the record is requested from a private body, the requester needs to prove that the record is required for the exercise or protection of a right.

One of the main requirements specified in the Act is the compilation of a manual that provides information on both the types and categories of records held by the public or private body. In terms of the Act, a private body includes any former or existing juristic person

## **2 COMPANY OVERVIEW**

Denith Engineering (Pty) Ltd specialises in innovation, realisation and supply of equipment for the onshore and offshore mining, energy and construction sectors world wide

## **3 PURPOSE**

This document serves as the Information Manual of Denith Engineering in terms of the above-mentioned Act, to provide a reference as to the records held and the process that needs to be followed to request access to such records.

## **4 SCOPE**

The scope of this manual will serve to provide a reference regarding the records held by Denith Engineering

## **5 AVAILABILITY**

- This manual is available for inspection at the offices of Denith Engineering, free of charge
- Copies of the manual may be obtained at the offices of Denith Engineering
- The manual can also be accessed on the company's website ([www.denith.co.za](http://www.denith.co.za)).

## 6 ADMINISTRATION OF THE ACT

### 6.1 Particulars Required – Section 51(1) (a)

<b>Company Registration:</b>	Denith Engineering (Pty) Ltd Registration Number 2007/032291/07
<b>Contact Person:</b>	Kenneth Breukel
<b>Postal Address:</b>	P.O. Box 916, Sea Point, Cape Town, South Africa, 8060
<b>Physical Address:</b>	163 Main Road, Green Point, Cape Town, South Africa, 8005
<b>Telephone No:</b>	+27 (21) 439 8119
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<b>Website</b>	<a href="http://www.denith.co.za">www.denith.co.za</a>

### 6.2 Guide for Requesters – Section 51(1) (b)

<b>Contact:</b>	The South African Human Rights Commission: PAIA Unit The Research and Documentation Department
<b>Postal Address:</b>	Private Bag 2700, Houghton, 2041
<b>Telephone No:</b>	+27 (11) 877 3600
<b>Fax No:</b>	+27 (11) 403 0625
<b>Email:</b>	<a href="mailto:PAIA@sahrc.org.za">PAIA@sahrc.org.za</a>
<b>Website</b>	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>

### 6.3 Automatic Availability of Certain Records – Section 51(1) (c)

Records lodged in terms of Government requirements with various statutory bodies, including the Registrar of Companies.

### 6.4 Records Available in Accordance With Other Legislation – Section 51(1) (d)

Records are kept in accordance with such other legislation as is applicable to Denith Engineering which includes, but is not limited to, the following legislation:

- The Occupational Health and Safety Act No. 85 of 1993
- The Value-Added Tax Act No. 89 of 1991;
- Income Tax Act No. 58 of 1962;
- Companies Act No. 71 of 2008;
- Basic Conditions of Employment Act No. 75 of 1997;
- Employment Equity Act No. 55 of 1998;
- Labour Relations Act No. 66 of 1995;
- The Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
- The Unemployment Insurance Act No. 63 of 2001;
- The Skills Development Levies Act No. 9 of 1999;
- The Regional Services Councils Act No. 109 of 1985.
- The Protection of Personal Information Act No. 4 of 2013

## **6.5 Record Subjects and Categories – Section 51(1) (e)**

### **6.5.1 Managing Director's Office**

The Managing Director's Office records comprise the following main categories:

- Statutory Records
- Administration Records

### **6.5.2 Tax**

Tax records comprise the following main categories:

*Income Tax Act No. 58 of 1962*

- Income tax returns
- Correspondence with South African Revenue Services (SARS)
- Correspondence from SARS
- Income tax opinions by tax advisors

*Value-Added Tax Act No. 89 of 1991*

- Value-Added Tax (VAT) invoices and credit notes

- VAT returns
- Vat opinions by tax advisors
- Correspondence with SARS
- Correspondence from SARS
- Administrative Records

### **6.5.3 System Support**

The System Support's records comprise the following main categories:

- Records of service
- General correspondence

### **6.5.4 Information Technology**

The Information Technology Department's records comprise the following main categories:

- Central Computer Repository documentation (for example, archives, backups, log files, audit trails, etc.)
- General correspondence

### **6.5.5 Finance and Administration**

Finance and Administration's records comprise the following main categories:

- Accounting Records
- Financial Statements
- Investment Records
- General Correspondence
- Management Reports
- Building and Property Records
- Insurance Records
- Audit appointment letters
- Correspondence with auditors
- Audit management letters
- Audit reports

### 6.5.6 Company Secretarial Department

The Company Secretary provides company secretarial services to Denith Engineering. The company secretary's records comprise the following main categories:

*In terms of the Companies Act No. 61 of 1973:*

- Administration Records
- Contracts and Agreements
- Property Records
- Legal Records
- General Correspondence
- Company and Share Registration Records
- Customer Applications (Contractors)
- Statutory Records, inclusive of the following:
  - Certificate of Incorporation
  - Memorandum and Articles of Association
  - Documentation lodged with the Registrar of Companies
  - Notices to members
  - Minutes of meetings of members
  - Resolutions of members, including special resolutions
  - Directors' consent forms to act as directors
  - Register of directors and officers
  - Register of directors' interests in contracts
  - Minutes of directors' meetings
  - Directors' resolutions
  - Papers for directors' meetings
  - Attendance register of directors' meetings
  - Minutes of board committee meetings
  - Attendance register of board committee meetings

### 6.5.7 Human Resources

The Human Resources (HR) primary objective is to develop and implement a competitive human resource strategy that will support the Company. Human Resources records comprise the following main categories:

#### *Basic Conditions of Employment Act No. 75 of 1997*

- Employee Records
  - Letters of Appointment
  - Payroll Records
  - Leave Records
  - Correspondence with Employees
  - Standard Terms and Conditions of Employment

#### *Employment Equity Act*

- Employment Equity Policy/Records
- Employee Records

#### *Labour Relations Act*

- Employee Records
- Labour Relations Records
- Industrial Relations Correspondence
- General Correspondence
- General Company & HR Policies and Procedures
- Training Records
- Pension/Provident Fund Records
- Employee Benefit Records
- Statutory Records
- Contracts
- PAYE Records

#### *Occupational Health and Safety Act No. 85 of 1993*

- Workmen's Compensation Records
- General Correspondence

#### *Unemployment Insurance Act No. 63 of 2001*

- UIF Records



*Skills Development Levies Act No. 9 of 1999*

- Skills Development Records

## **7 PROCESSING OF PERSONAL INFORMATION**

The purpose of this section is to provide information about whose personal information we process, along with why we process it and the steps we take to protect it.

We also process the personal information of our employees in the course and scope of their employment with us in order to manage and monitor our relationship with them.

### **7.1 Who We Disclose Personal Information To**

Our own employees will have access to this information as part of their employment relationship with us. We do not sell any personal information to third parties.

If required to by law, we may disclose personal information to members of law enforce or other government agents. We may disclose personal information to other third parties if required to by a court order.

We disclose personal information to third parties (AFISwitch, Department of Home Affairs, MIE, XDS, credit bureaus etc.) to perform various verification checks and enrich data to provide further service offerings.

### **7.2 How Do We Secure Personal Information**

We secure personal information by taking practical technical and organisational measures to ensure the confidentiality of the personal information is kept intact. Some of these measures include encrypting of electronic data, access control, and comprehensive destruction and retention policies along with a strict internal information security policy.

### **7.3 Access Request Procedure – Section 51(1) (e)**

The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to records held by Denith Engineering

It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act.

Note:

If it is reasonably suspected that the requester has obtained access to Denith Engineering's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

#### **7.4 Completion of Access Request Form**

In order for Denith Engineering to respond to requests in a timely manner, the relevant Access Request Form (see Appendix B - Request for Access to Record of Private Body; also available from the Department of Justice and Constitutional Development's website at [www.justice.gov.za](http://www.justice.gov.za)) should be completed, taking due cognisance of the following Instructions on Completion of Forms:

1. The Access Request Form must be completed in the English Language.
2. Type or print in BLOCK LETTERS an answer to every question.
  - If a question does not apply, state "N/A" in response to that question.
  - If there is nothing to disclose in reply to a particular question, state "nil" in response to that question.
  - If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional folio.
3. When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.

Note:

For security reasons, the requester's identity must be validated before their application will be considered. Proof of identity, such as a certified copy of their Identity Document or other legal form of identification, must accompany their application.

#### **7.5 Submission of Access Request Form:**

The completed Access Request Form must be submitted either via conventional mail or email and must be addressed to the contact person as indicated in Section 51(1) (a).

#### **7.6 Notification**

Requests will be evaluated and the requester notified within 30 days of receipt of the completed Access Request Form. Notifications may include:

### Notification of Extension Period (if required)

The requesters will be notified whether an extension period is required for the processing of their requests, including:

- The required extension period, which will not exceed an additional 30-day period;
- Adequate reasons for the extension; and
- Notice that the requester may lodge an application with a court against the extension and the procedure, including the period, for lodging the application.

### Decision on Request

If no extension period is required, the requesters will be notified, within 30 days, of the decision on their requests.

If the request for access to a record is successful, the requester will be notified of the following:

- An indication of the form in which the access will be granted;

If the request for access to a record is not successful, the requester will be notified of the following:

- Adequate reasons for the refusal (refer to Third-Party Information and Grounds for Refusal below); and
- That the requester may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application.

## **7.7 Third-Party Information**

If access is requested to a record that contains information about a third-party, Denith Engineering 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.

## 7.8 Grounds for Refusal

Denith Engineering may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which Denith Engineering may refuse access include:

- Disclosure of the record (containing trade secrets, financial, commercial, scientific, technical or any other confidential information) would harm the commercial or financial interests of Denith Engineering;
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- Protecting personal information that Denith Engineering holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- Protecting commercial information that Denith Engineering holds about a third party or Denith Engineering (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation 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 records 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;
- Disclosure of the record would put Denith Engineering 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 or Denith Engineering.

## 8 APPENDIX A – 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: .....

Email 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. 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 (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"/> transcription of the images*
--	---	---

3. 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"/> copy in computer readable form *
---

\*If you request a copy or transcript of a record (above) do you wish the copy or transcript to be posted to you?

**F. Particulars of right to be exercised**

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:

.....  
.....  
.....

**G. 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