

Waco International Limited
Promotion of Access to Information Manual

1. The Manual

1.1 Introduction

The 1996 South African Constitution, by providing a statutory right of access on request to any record held by the State as well as access to records held by private bodies, entrenches the fundamental right to information.

The Promotion of Access to Information Act 2 of 2000 ("the Act"), which came into effect on 9 March 2001, seeks to advance the values of transparency and accountability in South Africa and provides the mechanism for requesters to exercise the constitutional right to request access to a record.

The Act establishes the following statutory rights of requesters to any record of a private body if:

- That record is required for the exercise or protection of any of his or her legal rights;
- The requester complies with all the procedural requirements;
- Access is not refused in terms of any grounds referred to in the Act.

In terms of the Act, private bodies are required to publish a manual to assist requesters who wish to request access to a record. Waco International Limited ("Waco") endorses the spirit of the Act and believes that this manual will assist requesters in exercising their rights. Should you have any difficulty in using this manual, do not hesitate to contact the Information Officer whose contact details are set out in 3, for assistance.

1.2 Scope

This manual has been prepared by Waco and applies to all of the companies described in Annexure 1. It is published in accordance with the requirements of Section 51 of the Act to facilitate access to records held by Waco in terms of the Act.

In summary, the manual provides information on:

- The contact details of the Information Officer who will deal with a person's request;
- The subjects and categories of records that are held by Waco;
- Records that are available in terms of any other legislation;
- The procedure that needs to be followed to obtain access to a record

1.3 Availability of the manual

This manual is available in a PDF (Portable Document Format) version. The printed version of the manual is also available for consultation or removal, free of charge, from:

The Information Officer

Physical Address: 3rd Floor Fredman Towers
13 Fredman Drive
Sandown
Sandton 2196
South Africa

Postal Address: P O Box 650081
Benmore 2010
South Africa

Telephone: +27 11 685 1260

Facsimile: +27 11 784 7094
Email: christiner@wacoint.co.za

The manual is accessible in PDF format from our website: <http://www.wacointernational.com>

1.4 Policy with regard to confidentiality and Access to Information

Waco will protect the confidentiality of information provided to it by third parties, subject to Waco's obligations to disclose information in terms of any applicable law or a court order requiring disclosure of the information.

2. Entry point for requests

The head of Waco has delegated his powers in terms of the Act to the Information Officer who will handle all requests in terms of this Act on Waco's behalf.

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3. Who may request access to information?

The Act provides that a requester is only entitled access to a record if the record is required for the exercise or protection of a right. Only requests for access to a record will be considered where the requester has satisfied the Information Officer that the record is required to exercise or protect a right.

A requester may act in different capacities in making a request for a record. This will influence the amount to be charged when a request has been lodged. Requesters may make a request as:

- A personal requester – that is a person who requests a record about himself/herself
- An agent requester – that is a person requesting a record on behalf of someone else
- A third party requester – that is a person requesting a record about someone else
- A public body may request a record in the public interest if:
 - it fulfils the requirements of procedural compliance;
 - the record is required for the exercise or protection of a right;
 - no grounds for refusal exist; and
 - in addition it is acting in the public interest

4. Guidance to requesters

The Human Rights Commission is required by law to compile a guide that will include the following:

- A description of the objects of the Act;
- The relevant information of every private body as applicable;
- The manner and form in which requests must be lodged;
- The remedies available to requesters should a body not comply with the Act;
- The manner in which an appeal can be lodged;
- The fees payable in relation to requests for access;
- A reference to any regulations passed.

It is expected that this Manual will be published by 15 August 2003. Waco will substitute and complete this section once the Commission has published its guide. You may also request any additional information to assist you in making a request from the South African Human Rights Commission at:

South African Human Rights Commission

Braampark Forum 3

33 Hoofd Street

Braamfontein 2001

Human Rights Advice Line: +27 11 877 3750

Facsimile: +27 11 403 0668

Website: www.sahrc.org.za

5. Records available in terms of other legislation

5.1 Unlimited requesters

Certain legislation mandates Waco to allow any person access to specified records upon request, irrespective of who that person may be. An example is Section 113 of the Companies Act 61 of 1973 which provides that the register of members of a company may be inspected by any person upon payment of an inspection fee of R10.00 or such lesser amount as the company may determine.

5.2 Limited requesters

Certain legislation provides that private bodies shall allow certain persons access to specified records upon request. Legislation that may be consulted to establish whether the requester has a right of access to a record, other than in terms of the procedure set out in the Act are:

- Basic Conditions of Employment Act 75 of 1997;
- Companies Act 61 of 1973
- Compensation of Occupational Injuries and Diseases Act 130 of 1993;
- Competition Act 89 of 1999;
- Credit Agreements Act 75 of 1980;

- Criminal Procedure Act 51 of 1977
- Debt Collectors Act 114 of 1998;
- Electronic Communications and Transactions Act 2 of 2000;
- Employment Equity Act 55 of 1998;
- Firearms Control Act 60 of 2000
- Income Tax Act 58 of 1962;
- Insider Trading Act 135 of 1998;
- Insolvency Act 24 of 1936;
- Interception and Monitoring Prohibition Act 127 of 1992; (to be replaced by the Regulation of Interception of Communications Act 70 of 2002 which has been promulgated but has not commenced as at the date of compiling this manual)
- Labour Relations Act 66 of 1995;
- Magistrates Court Act 32 of 1944;
- Occupational Health and Safety Act 85 of 1993;
- Prevention of Organised Crime Act 121 of 1998;
- Skills Development Act 97 of 1999;
- Skills Development Levies Act 9 of 1999;
- Supreme Court Act 59 of 1959;
- Unemployment Insurance Act 30 of 1966;
- Value Added Tax Act 89 of 1991.

Although we have used our best endeavours to supply you with a complete list of applicable legislation, it is possible that the above list may be incomplete. Wherever it comes to our attention that existing or new legislation allows a requester access on a basis other than that set out in the Act, we shall immediately update the list.

If a requester believes that a right to access a record exists in terms of the legislation listed above, or any other legislation, the requester is required to indicate what legislative right the request is based on to allow the Information Officer the opportunity of considering the request in light thereof.

6. Procedure

61. Prescribed access form

In order for us to facilitate your access to a record, you need to complete the prescribed access form. Please take note that the prescribed access form must be completed in full. Failure to do so will result in the process being delayed until such additional information is provided.

6.2 Proof of identity

Proof of identity is required to authenticate the request and the requester. Therefore requesters will be required to present themselves to the Information Officer or such person delegated by the Information Officer for this purpose. The requester shall exhibit to the Information Officer or person delegated for this purpose the requester's identity document or a certified copy of the requester's identity document or any other means of identification acceptable to the Information Officer.

If the requester acts as an agent requester, as described in 3, the requester shall provide proof of the identity of the person on whose behalf the request is made, the authority or mandate given to the requester by such person and proof of the identity of the requester as provided above.

The Information Officer shall not process any request for access to a record until he/she is satisfied that the aforementioned requirements have been met.

6.3 Prescribed fees

Please take note that a request will not be processed until the request fee (R50.00 at the date of compiling this manual) and the deposit (if applicable) have been paid. Requesters are advised that four types of fees are provided for in terms of the Act:

- Reproduction fee. This is payable with respect to all records that are automatically available;
- Request fee. This is an administration fee that must be paid by all requesters, except personal requesters. (A personal requester is a requester seeking access containing information about the requester himself/herself) before the request is considered and is not refundable;
- Access fee. This is payable once access to a record is granted. This fee is intended to reimburse Waco for the costs involved in searching and preparing the record for delivery;
- Deposit. This is payable if Waco receives a request for access to information held on a person other than the requester himself/herself and preparation for the record will take more than six hours.

6.3.1 Reproduction fees

The applicable fees (excluding VAT) for reproduction as referred to above are:

	Rand
■ Every photocopy of an A4-size page or part thereof	1.10
■ Every printed A4-size page or part thereof held on a computer or in electronic form	0.75
■ A copy in a computer readable form: Stiffy:	7.50
Compact disc:	70.00
■ A transcription of visual images for an A4-size page or part thereof	40.00
■ A copy of visual images	60.00
■ A transcription of an audio record for an A4-size page or part thereof	20.00
■ A copy of an audio record	30.00

The above fees are subject to legislation amendments.

6.3.2 Request fee

A request fee of R50.00 (excluding VAT) is payable upfront where a requester submits a request for access to information on anybody else other than a requester himself/herself.

6.3.3 Access fee

The applicable fees (excluding VAT) which will be payable are:

	Rand
▪ Every photocopy of an A4-size page or part thereof	1.10
▪ Every printed A4-size page or part thereof held on a computer or in electronic form	0.75
▪ A copy in a computer readable form: Stiffy:	7.50
Compact disc:	70.00
▪ A transcription of visual images for an A4-size page or part thereof	40.00
▪ A copy of visual images	60.00
▪ A transcription of an audio record for an A4-size page or part thereof	20.00
▪ A copy of an audio record	30.00
▪ To search a record that must be disclosed, per hour or part thereof	30.00
▪ Where a copy of the record needs to be posted, the actual postal fee is payable	

The above fees are subject to legislation amendments.

6.3.4 Deposit

Where Waco receives a request for access to information held on a person other than the requester himself/herself, and the Information Officer is of the opinion that the preparation of the required record will take more than six (6) hours, a deposit of one third (1/3) of the amount of the applicable access fee is payable.

7. Granting or refusal of requests

The 30 day period within which the Information Officer is required to reply to a request as stipulated in the Act, shall commence running only once a requester has complied with all the requirements of the Act in requesting access to a record, to the satisfaction of the information officer.

Requests may be refused on the following grounds, as set out in the Act:

- Mandatory protection of privacy of a third party who is a natural person;
- Mandatory protection of commercial information of a third party;
- Mandatory protection of certain confidential information of a third party;
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records privileged from production in legal proceedings
- Commercial information of the private body

- Mandatory protection of research information of a third party and of the private body

Requesters will be informed within 30 days of the Information Officer's decision. In terms of the Act, this 30 day period may be extended for a further 30 day period should more time be required to gather the requested record. If such extension is required, the Information Officer shall notify the requester accordingly.

8. Appeal

If a requester is aggrieved by the refusal of the Information Officer to grant a request for a record, the requester may, within 30 days of notification of the Information Officer's decision, apply to court for appropriate relief.

9. Classes of records of Waco

9.1 Scope

The information contained in this chapter is intended to identify the main classes of records held within Waco. The Information Officer will provide reasonable assistance to any requester in identifying a record.

9.2 Categories and subjects of records

9.2.1 Financial records

- Budget information
- Cash/bank transactions
- Creditor information
- Debtor information
- Financial transaction information
- General ledger account
- Asset information

9.2.2 Internal communications

- Board reports
- Minutes
- Internal correspondence
- Intranet
- Policies and procedures

9.2.3 External communications

- General correspondence
- Commercial correspondence

9.2.4 Customer related information

- Customer contact details

- Customer profile
- Account information

9.2.5 Legal

- Commercial agreements with third parties
- Contractual issues with business partners
- Legislation
- Investigations
- Legal opinions and reports
- Registered trademarks, designs and patents

9.2.6 Human resources

- Personnel information
- Policies and procedures
- Statutory requirements

9.2.7 Safety records

- Policies and procedures
- Regulatory compliance

9.2.8 Dormant companies

- The records retained by the dormant companies listed in Annexure 1 are limited to those that are required by the Registrar of Companies.

9.4 Further information and assistance

Further information regarding the subjects and categories or records listed here are available from:

The Information officer

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 13 Fredman Drive
 Sandown
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Annexure 1

List of companies subject to the manual

Trading companies

- Form-Scaff (Pty) Limited
- Glen Anil Investments (Pty) Limited
- Waco International Limited
- Glen Anil Development Corporation Limited
- Waco Africa (Pty) Limited
- Waco Africa Holdings (Pty) Limited

Annexure 2

Request for access to a record of Waco

A. Particulars of private body:

Contact details:	
Head (as defined in the Act)	
Information Officer	
Postal address	
Physical address	
Telephone number	
Facsimile number	

B. Particulars of person requesting access to the record

- (a) *The particulars of the person who requests access to the record must be recorded below;*
- (b) *Furnish an address and/or fax number in the Republic to which information must be sent;*
- (c) *Proof of identity is required from both the requester and any person or any party acting on behalf of the requester. The original identity document or such other proof satisfactory to the head or Information Officer of Waco will need to be presented with this request by the requester or the requester's representative before the request will be processed;*
- (d) *If the request is made on behalf of another person, proof of the capacity in which the request is made must also be presented with this request.*

DETAILS OF REQUESTER

Surname	
Full names	
Identity number	
Postal address	
Telephone number	
Fax number	
Email address	

If a request is made on behalf of another person, the requester is obliged to identify himself / herself and provide proof of the mandate under which the request is made, to the satisfaction of the Information Officer.

C. Particulars of person on whose behalf request is made

Surname	
Full names	
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;*

(c) *The requester's attention is drawn to the grounds on which the private body must or may refuse access to a record (in certain instances this may be mandatory, in others it may be discretionary);*

- *Mandatory protection of the privacy of a third party who is a natural person (human being);*
- *Mandatory protection of commercial information of third party;*
- *Mandatory protection of certain confidential information of a third party;*
- *mandatory protection of the safety of individuals and the protection of property;*
- *Mandatory protection of records privileged from production in legal proceedings;*
- *Commercial information of a private body;*
- *Mandatory protection of research information of a third party and a private body.*

Description of record or relevant part of the record:

Category	Description 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 (currently R50.00) has been paid;*
- (b) *If the prescribed request fee is amended 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 therefor.*

The requester qualifies for an exemption in payment of fees (mark the appropriate box)		Yes	No
Reason			

F. Form for 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 – 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
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Mark the appropriate box with an "X".

NOTES:

- (a) *Your indication as to the required form of access depends 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 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 consist 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)

<p>*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable.</p>	Yes	No
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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 requested record is required for the exercising 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 thereof 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