

MANUAL

OF

SWAGE-FAST (PTY) LTD t/a
SWAGEFAST

1998/024917/07

*Prepared in accordance with Section 51 of the Promotion of
Access to Information Act, No 2 of 2000.*

Submitted in terms of Regulation 9(1) Government Gazette No 23119,
dated 15 February 2002

(Private Body)

1. INTRODUCTION

1.1 The Promotion of Access to Information Act, No 2 of 2000 ("***The Act***") was enacted on 3 February 2000, giving effect to the right of access to any information held by the State, as well as any information held by another person which is required for the exercising or protection of any rights. This right is entrenched in the Bill of Rights in the Constitution of South Africa. Where a request is made in terms of The Act, the body to whom the request is made is not obliged to release the information, **except where *The Act* expressly provides that the information may or must be released.** *The Act* sets out the requisite procedural issues attached to such request.

1.2 PURPOSE OF THE MANUAL

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of *The Act* in order for them to exercise their rights in relation to public and private bodies.

Section 9 of *The Act*, however, recognises that such right to access to information can not be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance

And in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to "*Private Body*" in this manual, it will refer to SWAGE-FAST (PTY) LTD t/a SWAGEFAST which trade as a supplier of industrial fasteners, bearings, collars, lockbolts, HUCK products, HYDRALOC products, SWAGELOK fittings, normal fasteners and the repair of installation equipment and for whom this manual is drafted.

PART I

2. CONTACT DETAILS

2.1 Information officer: JOHN-JAQUES ROSSOUW

Postal address: P.O BOX 2688
KRUGERSDORP
1740

Physical Address: 09 MONUMENT STREET
OLIVANNA
KRUGERSDORP
1739

Tel: (011) 668 4600

Fax: (011) 668 4619

E-mail: admin@swagefast.co.za

2.2 GENERAL INFORMATION

2.2.1 Name of *Private Body*: SWAGEFAST (PTY) LTD

2.2.2 Registration No. 1998/024917/07

2.2.3 VAT Registration No. 4550182440

2.2.4 Postal Address: P.O BOX 2688, KRUGERSDORP, 1740

2.2.5 Physical Address (or principal place of business): 09 MONUMENT STREET,
OLIVANNA, KRUGERSDORP, 1739

2.2.6 Telephone number: (011) 668 4600

2.2.7 Facsimile number: (011) 668 4619

2.2.8 E-mail address: info@swagefast.co.za

2.2.9 Website: www.swagefast.co.za

PART II

3. GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission had at the date of printing hereof not yet compiled the guide contemplated in Section 10 of *The Act*. The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in *The Act*. Any enquiries regarding this guide should be directed to:

***The South African HUMAN RIGHTS COMMISSION, at PAIA
Unit(RESEARCH AND DOCUMENTATION DEPARTMENT),
Private Bag X2700, HOUGHTON, 2041
Telephone Number: (011) 848-8300;
Facsimile Number: (011) 484-1360;
Website: www.sahrc.org.za;
E-mail Address: PIAI@sahrc.org.za***

PART III

3.1 RECORDS OF THE *PRIVATE BODY*

This clause serves as a reference to the records that the *Private Body* holds in order to facilitate a request in terms of *The Act*.

The information is classified and grouped according to records relating to the following subjects and categories: *It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.*

3.2 *PRIVATE BODY* DOCUMENTS AND RECORDS

3.2.1 INCORPORATION DOCUMENTS AND RECORDS

- 3.2.1.1 Documents of incorporation
- 3.2.1.2 Constitution of your business
- 3.2.1.3 Memorandum and Articles of Association
- 3.2.1.4 Copies of your shareholder's agreement

3.2.1.5 **MINUTES OF THE PREVIOUS MEETING**

3.2.1.5.1 Board of Directors

3.2.1.5.2 Shareholders meeting

3.2.1.5.3 Management meeting

3.2.1.5.4 Staff meeting

3.2.1.6 Supply agreements

3.2.1.7 Distribution agreements

3.2.1.8 Internal telephone directory

3.2.2 FINANCIAL DOCUMENTS

3.2.2.1 VAT records

3.2.2.2 Tax records

3.2.2.3 PAYE records

3.2.2.4 UIF records

3.2.2.5 Stock record

3.2.2.6 Asset inventory

3.2.2.7 Asset register

3.2.2.8 ***Operating system utilising any of the following documents:***

3.2.2.8.1 Order form

3.2.2.8.2 Invoice

3.2.2.8.3 Weekly/monthly/ quarterly/annual statement

3.2.2.8.4 Proof of delivery form

3.2.2.8.5 Goods-received voucher

3.2.2.8.6 Goods-returned voucher

3.2.2.8.7 Debit note

3.2.2.8.8 Credit note

3.2.2.9 ***Bank accounts:***

3.2.2.9.1 Cheque account

3.2.2.9.2 Current account

3.2.2.10 Financial reporting

3.2.2.11 Financial reports-(financial statements)

3.2.3 OPERATIONAL DOCUMENTS AND RECORDS

3.2.3.1 Promotional material

3.2.3.2 Written policies regarding business plan/activities

3.2.3.3 Any registered designs, patents or trademark

3.2.3.4 Written product/ service specification

3.2.3.5 Product/service manuals or chart of account

3.2.3.6 Work instruction manuals

3.2.3.7 Database of customer

3.2.3.8 Application forms from customers

3.2.3.9 Record of correspondence with customers

3.2.3.10 Payment in respect of goods/services based on C.O.D., 30days, 60days

3.2.3.11 Sales records

3.2.3.12 Records in respect of scheduling and supply of goods/services

3.2.3.13 ***Records with regards to the following:***

3.2.3.13.1 Business plans

3.2.3.13.2 Strategy

3.2.3.13.3 Vision

3.2.3.13.4 Mission

- 3.2.3.13.5 Action plans
- 3.2.3.14 Current/old/both price lists
- 3.2.3.15 Customer complaints/assessments/both
- 3.2.3.16 Records pertaining to costing/quoting
- 3.2.3.17 ***Records in respect of research and development***
- 3.2.3.17.1 Products
- 3.2.3.17.2 Services

These records include, but are not limited to, the records which pertain to the *Private Body's* own affairs

3.2.4 EMPLOYEE DETAILS

Personal records provided by personnel (including permanent and temporary) including but not limited to:

- 3.2.4.1 Number of permanent employees 10
- 3.2.4.2 Number of parttime/contract employees 0
- 3.2.4.3 Employment contracts
- 3.2.4.4 Payslips/salary advices for employees
- 3.2.4.5 Curriculum Vitae of employees
- 3.2.4.6 ***Personnel files of employees containing:***
- 3.2.4.6.1 Pay/salary status
- 3.2.4.6.2 Leave records
- 3.2.4.6.3 Educational history
- 3.2.4.6.4 Letter of appointment/employment agreement
- 3.2.4.6.5 Records relating to salary increases
- 3.2.4.6.6 Disciplinary record
- 3.2.4.6.7 Performance management records

- 3.2.4.6.8 Training records
- 3.2.4.7 Workplace Skills Plan
- 3.2.4.8 ***Monthly contribution of employees:***
- 3.2.4.9 Identification records for security purpose

"*Personnel*" refers to any person who works for, or provides services to or on behalf of the *Private Body*, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the *Private Body*. This includes, without limitation, directors, all permanent, temporary and part-time staff, as well as contract workers.

3.2.5 SAFETY RECORDS

- 3.2.5.1 Record of incidents
- 3.2.5.2 Records of quality control test results

3.2.6 INFORMATION TECHNOLOGY RECORDS

- 3.2.6.1 Licences
- 3.2.6.2 Software programmes
- 3.2.6.3 Software applications
- 3.2.6.4 Inter company e-mails

3.2.7 RECORDS REQUIRED IN TERMS OF LEGISLATION

- 3.2.7.1 A table of legislation setting out a description of the records of the *Private Body* which are available in accordance with certain legislation, is as follows:-
 - 3.2.7.1.1 Labour Relations Act, 66 of 1995
 - 3.2.7.1.2 Employment Equity Act, 55 of 1998
 - 3.2.7.1.3 Basic Conditions of Employment Act, 75 of 1997

- 3.2.7.1.4 Constitution of the Republic of South Africa, 108 of 1996
- 3.2.7.1.5 Companies Act, 61 of 1973
- 3.2.7.1.6 Unemployment Insurance Act, 63 of 2001
- 3.2.7.1.7 Value Added Tax Act, 89 of 1991
- 3.2.7.1.8 Skills Development Act, 9 of 1999
- 3.2.7.1.9 Income Tax Act, 58 of 1962
- 3.2.7.1.10 Any other Acts,
Reference to the above-mentioned legislation shall include subsequent amendments to such legislation.

3.2.8 OTHER PARTY RECORDS

- 3.2.8.1 Personnel, customer or *Private Body* records which are held by another party (e.g. marketing agent), as opposed to the records held by the *Private Body* itself;
- 3.2.8.2 Records held by the *Private Body* pertaining to other parties, including without limitation, financial records, correspondence, contractual and transactional records, records provided by the other party, and records third parties have provided about contractors/suppliers;
- 3.2.8.3 Records relating to the *Private Body's* marketers / agents.

PART IV

3. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for the *Private Body* to refuse a request for information relates to the-

- 3.1 Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;

- 3.2 Mandatory protection of the commercial information of a third party, if the record contains -
 - 3.2.1 Trade secrets of that third party;
 - 3.2.2 Financial, commercial, scientific or technical information, disclosure of which could likely cause harm to the financial or commercial interests of that third party;
 - 3.2.3 Information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 3.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 3.4 Mandatory protection of confidential information of the protection of property;
- 3.5 Mandatory protection of records which would be regarded as privileged in legal proceedings;
- 3.6 The commercial activities of the *Private Body*, which may include -
 - 3.6.1 Trade secrets of the *Private Body*;
 - 3.6.2 Financial, commercial, scientific or technical information, disclosure which could likely cause harm to the financial or commercial interest of the *Private Body*;
 - 3.6.3 Information which, if disclosed could put the *Private Body* at a disadvantage in negotiations or commercial competition;
 - 3.6.4 A computer programme which is owned by the *Private Body*, and protected by copyright.
- 3.7 The research information of the *Private Body* or a third party, if its disclosure would reveal the identity or the *Private Body*, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 3.8 Requests for information that are clearly frivolous or vexatious, or which would involve an unreasonable diversion of resources shall be refused.

4. REMEDIES AVAILABLE WHEN A *PRIVATE BODY* REFUSES A REQUEST FOR INFORMATION

a. INTERNAL REMEDIES

The *Private Body* does not have an internal appeal procedure. As such, the decision made by the information officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the information officer.

b. 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 relevant 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 for relief to a court referred to in *The Act* or another court of similar status.

5. REQUEST PROCEDURE

- a. The requester must comply with all the procedural requirements contained in *The Act* relating to the request for access to a record.
- b. The requester must complete the prescribed form B, attached here-with as **Appendix 1**, and submit same as well as payment of a request fee and a deposit, if applicable, to the information officer at the postal or physical address, fax number or electronic mail address as stated in 2.1 or 2.2 above.
- c. The prescribed form must be filled in with enough particulars to at least enable the information officer to identify -
 - i. The record or records requested;
 - ii. The identity of the requester,
 - iii. Which form of access is required, if the request is granted;
 - iv. The postal address or fax number of the requester.

- d. The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right to be exercised or protected is. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- e. The *Private Body* will process the request within 30 days, unless the requester has stated a special reason which would satisfy the information officer that circumstances dictate that the above time period not be complied with.
- f. The requester shall be informed whether access has been granted or denied. If, in addition, the requester requires the reason for the decision in any other manner, he/she must state the manner and the particulars so required.
- g. If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.
- h. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- i. The requester must pay the prescribed fee before any further processing can take place.

6. ACCESS TO RECORDS HELD BY THE *PRIVATE BODY*

- a. Records held by the *Private Body* may be accessed by request only once the prerequisites for access have been met
- b. A requester is any person making a request for access to a record of the *Private Body*. There are two types of requesters:
 - i. **PERSONAL REQUESTER**
 - 1. A personal requester is a requester who is seeking access to a record containing personal information about the *Private Body* trading entity.
 - 2. The *Private Body* will voluntarily provide the requested information, or give access to any record with regard to the requester's own personal information. The prescribed fee for reproduction of

the information requested will be charged.

ii. **OTHER REQUESTER**

1. This requester (other than a personal requester) is entitled to request access to information on third parties. However, the *Private Body* is not obliged to voluntarily grant access. The requester must fulfil the prerequisites for access in terms of The Act, including the payment of a requested access fee.

7. FEES

- a. *The Act* provides for two types of fees, namely:
 - i. A request fee, which will be a standard fee; and
 - ii. An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- b. When the request is received by the information officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.
- c. If the search for the record has been made in the preparation of the record for disclosure, including arrangements to make it available in the requested form, and it requires more than the hours prescribed in the regulation for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- d. The information officer shall withhold a record until the requester has paid the fees as indicated in **Appendix 2**.
- e. A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the requested form.
- f. If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the

deposit to the requester.

8. DECISION

- a. The *Private Body* will within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect
- b. The 30 day period within which the *Private Body* has to decide whether to grant or refuse the request, may be extended for further periods of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the *Private Body* and the information cannot reasonably be obtained within the original 30 day period. The *Private Body* will notify the requester in writing should an extension be sought.

9. AVAILABILITY OF THE MANUAL

- a. This manual is made available in terms of Regulation Number R.187 of 15 February 2002
- b. The manual of the *Private Body* may also be available on the website of the *Private Body* (if applicable).

PREScribed FORM TO BE COMPLETED BY A REQUESTER

FORM B

REQUEST FOR ACCESS TO RECORDS OF *PRIVATE BODY*

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation 4)

A. Particular 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 records must be recorded below.*
(b) *Furnish an address and/or fax number in the Republic to which information must be sent.*
(c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full Name and Surname: _____

Identity Number: _____

Postal Address: _____

Telephone Number: _____ Fax Number: _____

E-mail address: _____

Capacity in which request is made, if 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 it 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 the record or relevant part of the record:

2. Reference number, if available: _____

2. Any further particulars of the record:

E. Fees:

- (a) *A request for access to 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 of the request fee.*
- (c) *The **fee payable for access** to a record depends on the form in which the access is required and the reasonable time required to search for and prepare a record.*
- (d) *If you qualify for exemption from the payment of any fee, please state the reason for this.*

Reason for exemption from payment of the fee:

F. Form of access to the 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) *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 the record is in written or printed form:

<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspector
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2. If the 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 the images*	<input type="checkbox"/>	Transcription of the images*
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3. If the 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)
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4. If the 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* (stiffy or compact disc)
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* If you requested a copy or transcription of a record (above), do you want the copy or transcription to be posted to you?	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.***

Indicate which right is to be exercised or protected: _____

1. 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 _____ 200 _____

 SIGNATURE OF REQUESTER/PERSON
 ON WHOSE BEHALF REQUEST IS MADE

APPENDIX-2

REPRODUCTION FEES

The *Private Body* has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto. Where the records requested in Appendix 1 is part of the aforementioned list the only fee that may be charged for the obtaining of such record shall be a fee for the reproduction of such record.

THE APPLICABLE FEES FOR REPRODUCTION AS REFERED TO ABOVE ARE:

	R
* For every photocopy of an A4-size page or part thereof	1,10
* For every printed copy of an A4-size page of part thereof held on a computer or in electronic machine - readable form	0,75
* For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
* A transcription of visual images, for an A4-size page or part thereof	40,00
* For a copy of visual images	60,00
* A transcription of an audio record, for an A4-size page or part thereof	20,00
* For a copy of an audio record	30,00

Request fees:

Where a requester submits a request for access to information held by a *Private Body* on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the *Private Body* will further process the request received.

Access fees:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of a access fee to specifically excluded in terms of an exclusion as determined by the Minister in terms of Section 54 (8) of *The Act*

The access fees that will be payable are:

	R
* For every photocopy of an A4-size page or part thereof	1,10
* For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
	R
* For a copy in computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
* A transcription of visual images, for an A4-size page or part thereof	40,00
* For a copy of visual images	60,00
* A transcription of an audio record, for an A4-size page or part thereof	20,00
* For a copy of an audio record	30,00
* To search for a record that must be disclosed (per hour or part of an hour reasonably required for such search)	30,00
* Where a copy of a record has to be posted <i>the actual</i> postal fee is payable.	

Deposits:

Where the *Private Body* receives a request for access to information on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to one third of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.