

PROMOTION OF ACCESS TO INFORMATION ACT s51 MANUAL

1. INTRODUCTION

- 1.1. This Manual has been prepared in accordance with section 51 of the Act and contains the information specified in section 51(1) thereof. It contains information required by a person wishing to exercise any right contemplated by the Act and aims to facilitate Requests for access to any Record that is required for the exercise or protection of any rights.
- 1.2. The reference to any information in addition to that specifically required in terms of section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.
- 1.3. This Manual applies in respect of the Company and the Information Officer named below is appointed in respect of its operations.
- 1.4. Requesters are invited to contact the Information Officer should they require any assistance in respect of the use or content of this Manual.

2. DEFINITIONS

- 2.1. Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder:
 - 2.1.1. “**Act**” means the Promotion of Access to Information Act, Act 2 of 2000, as amended from time to time;
 - 2.1.2. “**Company**” means Masterparts (Pty) Ltd, a private company duly incorporated in accordance with the laws of the Republic of South Africa and located at 26 Christian Avenue, Epping, Cape Town, 7460, South Africa and includes its affiliated companies;
 - 2.1.3. “**Data Subject**” means the person to whom the relevant Personal Information and/or Special Personal Information relates;
 - 2.1.4. “**Information Officer**” means the person acting on behalf of the Company and discharging the duties and responsibilities assigned to the “head” of the Company by the Act;
 - 2.1.5. “**Manual**” means this manual published in compliance with section 51 of the Act;
 - 2.1.6. “**Personal Information**” means information about a Data Subject’s race, gender, sex, pregnancy, marital status, nationality, ethnic or social origin, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language, education, medical information, financial information, criminal or employment history, an identifying number, e-mail address, physical address, telephone number, blood type, biometric information, personal opinions, views or preferences and the name of the person if it appears with other Personal Information relating to the Data Subject;
 - 2.1.7. “**Personnel**” means any person who works for or provides services to or on behalf of the Company and receives or is entitled to receive any remuneration;
 - 2.1.8. “**Record**” means any recorded information which is in the possession or under the control of the Company, regardless of form or medium and irrespective of whether or not it was created by the Company, the Data Subject or any other third party;
 - 2.1.9. “**Request**” means a request for access to a Record of the Company;

PROMOTION OF ACCESS TO INFORMATION ACT s51 MANUAL

- 2.1.10. **“Requestor”** means any person, including a public body or an official thereof, making a Request for access to a Record of the Company and includes any person acting on behalf of that person;
- 2.1.11. **“SAHRC”** means the South African Human Rights Commission; and
- 2.1.12. **“Special Personal Information”** means: (a) the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a Data Subject; or (b) the criminal behaviour of a Data Subject to the extent that such information relates to (i) the alleged commission by a Data Subject of any offence; or (ii) any proceedings in respect of any offence allegedly committed by a Data Subject or the disposal of such proceedings.

2.2. Unless otherwise stated, terms defined in the Act shall have the same meanings in this Manual.

2.3. Unless a contrary intention clearly appears, words signifying the singular includes the plural and vice versa, any one gender includes the other genders and vice versa, the words “including” and “in particular” are without limitation and natural persons include juristic persons. The headings do not govern or affect the interpretation of this Manual.

2.4. Any number of days prescribed in this Manual excludes the first day and includes the last day; and any relevant action or notice may be validly done or given on the last day. Unless the context indicates otherwise, if the day for performance of any obligation falls on a day which is not a business day, that day will be the next business day.

3. COMPANY’S COMMITMENT

The Company supports the constitutional right of access to information and is committed to provide access to our Records in accordance with the provisions of the Act and applicable laws, subject to obligations of confidentiality we owe third parties.

4. INFORMATION OFFICER (SECTION 51(1)(a))

The Managing Director of the Company is the Information Officer of the Company and has responsibility for dealing with all Requests and ensuring compliance with the Act.

5. VOLUNTARY DISCLOSURE (SECTION 51(1)(c))

The Company is not obliged to and has not published a notice in terms of Section 52(2) of the Act. Nonetheless, the Company does make certain information freely available on the Company’s website at www.masterparts.com. Certain information is also made available to employees of the Company, which is not generally made available to the public.

6. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION (SECTION 51(1)(d))

Records are kept in accordance with the following legislation (which is not an exhaustive list), as applicable: (a) Basic Conditions of Employment Act, 1997; (b) Companies Act, 2008; (c) Consumer Protection Act, 2008; (d) Compensation for Occupational Injuries and Diseases Act, 1993; (e) Deeds Registries Act, 1937; (f) Employment Equity Act, 1998; (g) Income Tax Act, 1962; (h) Labour Relations Act, 1995; (i) Occupational Health and Safety Act, 1993; (j) Skills Development Act, 1998; (k) Skills Development Levies Act, 1999; (l) Trademarks Act, 1993; (m) Unemployment Insurance Act, 2001; and (n) Value Added Tax Act, 1991. The information retained in terms of this legislation will only be made available to the persons or entities specified in the legislation.

PROMOTION OF ACCESS TO INFORMATION ACT s51 MANUAL

7. RECORDS HELD BY THE COMPANY

- 7.1. The Company maintains Records on the categories and subject matters listed below. However, please note that listing a category or subject matter in this Manual does not imply that a Request for access to such Records would be granted.
- 7.2. All Requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.
- 7.3. All Records in the possession of the Company that contain Special Personal Information shall only be provided to the person to whom the Special Personal Information pertains. If the Requestor is not the subject of the Special Personal Information, then the Requestor must submit proof of consent to Request such Record for their use or on behalf of the Data Subject.
- 7.4. The Company may legitimately refuse to grant access to Records that fall within certain categories. The grounds to refuse access to particular Records include: (a) Records contain Personal Information of a third party and must be protected from unreasonable disclosure including Records of a deceased person; (b) Records containing third party commercial information that must be protected from unreasonable disclosure; (c) disclosure of a Record would result in a breach of a duty of confidence owed in terms of an agreement to a third party; (d) disclosure of a Record would result in an individual's life being endangered; (e) disclosure of a Record would prejudice or impair the security of property; (f) disclosure of a Record would prejudice or impair the protection of a person under witness protection; (g) disclosure of a Record would prejudice or impair public safety; (h) disclosure of a Record is privileged in terms of legal proceedings, unless such privilege has been waived; (i) disclosure of a Record would harm the commercial and financial interests of the Company; and/or (j) disclosure of a Record would put the Company at a disadvantage in contractual or other negotiations or prejudice it in commercial competition.
- 7.5. In the event that the Requested Record cannot be located and/or it is believed that the Record does not exist, the Company will inform the Requestor by way of affidavit or affirmation of the reason for delay or inability to locate the Record.
- 7.6. The categories and subject matters of Records are as follows:
- 7.6.1. Internal Records: (a) Memorandum of Incorporation and constitutional documents; (b) financial Records; (c) insurance Records; (d) operational Records; (e) intellectual property Records; (f) marketing Records; (g) internal correspondence; (h) product Records; (i) statutory Records; (j) internal policies and procedures; and (k) Records held by officials of the Company related to the Company's operations.
- 7.6.2. Personnel Records (these Records can only be Requested by the person the Record pertains to): (a) any Records provided to the Company by its Personnel; (b) any Records a third party has provided to the Company about its Personnel; (c) conditions of employment and other Personnel-related contractual and other Records; (d) internal evaluation Records; and (e) other internal Records and correspondence.
- 7.6.3. Other parties' Records are kept in respect of other parties, including without limitation contractors, commercial banks, customers, suppliers, service providers, consultants, auditors and general market conditions. In addition, such other parties may possess Records which can be said to belong to the Company.
- 7.6.4. Further Records are held including: (a) information relating to the Company's own commercial activities; and (b) research information belonging to the Company or carried out on behalf of a third party.

PROMOTION OF ACCESS TO INFORMATION ACT s51 MANUAL

8. OTHER INFORMATION AS MAY BE PRESCRIBED (SECTION 51(1)(f))

Not applicable.

9. ACCESS PROCEDURE (SECTION 53)

- 9.1. 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 in terms of the Act, the public body must be acting in the public interest.
- 9.2. Requests in terms of the Act shall be made in accordance with the prescribed procedures and upon payment of the prescribed fees.
- 9.3. Requestors are reminded that the Company can only provide access to Records that are in the possession of the Company.
- 9.4. Requests for access to Records must be made using the prescribed form, which are available from the SAHRC website at www.sahrc.org.za or the Department of Justice and Constitutional Development website at www.doj.gov.za. A copy of the prescribed form is attached for your convenience as Annexure A. The prescribed form should be submitted to the Information Officer at the address referred to in paragraph 2.1.2. Failure to make use of the prescribed form could result in your Request being refused or delayed.
- 9.5. The Requestor must provide sufficient detail on the Request form to enable the Information Officer to clearly identify the Record as well as the Requestor's identity, which is to be accompanied by positive proof of identification.
- 9.6. The Requestor must indicate which form of access is required and if he/she wishes to be informed on the decision on the Request in any other manner, to state the necessary particulars to be so informed.
- 9.7. Access is not automatic. The Requestor must therefore identify the right he/she is seeking to exercise or protect and provide an explanation as to why the requested Record is required for the exercise or protection of that right.
- 9.8. If a Request is made on behalf of a person, the Requestor must then submit proof, to the satisfaction of the Information Officer, of his/her authority to make the Request. Failure to do so will result in the Request being rejected.
- 9.9. If the Record Requested contains information about a third party, the Company is obliged to inform such third party of such Request. This serves to allow the third party the opportunity to respond by either granting consent to the access Request or to provide reasons why the Request should be denied. The reasons provided by the third party either for consent or denying access will be considered by the Information Officer in making a final decision regarding whether access should be granted or refused. If the Company decides to grant access to the Record, it will notify the affected third party again. The third party is entitled to apply to court in relation to that decision. The court will then determine whether the Record should be disclosed by the Company or not.

10. DECISION ON REQUEST (SECTION 56)

- 10.1. The Requestor will be notified within 30 days of the outcome of his/her Request, alternatively whether an extension not exceeding 60 days is required to deal with the Request.
- 10.2. The Request will be evaluated by the Information Officer in accordance with the Act. Publication of this Manual and describing the categories and subject matter of information held by the Company does

PROMOTION OF ACCESS TO INFORMATION ACT s51 MANUAL

not give rise to any rights (in contract or otherwise) to access such information or Records except in terms of the Act.

- 10.3. If the Request for access is granted a further access fee and/or deposit may be payable for the reproduction as well as the search and preparation of the Records and for any time that has exceeded the prescribed hours to search and prepare the Record for disclosure. This fee and/or deposit will be determined by factors such as, the format and/or volume of the information Requested as well as the time required for the searching and preparation of the Records. The notice will set out the required fee and/or deposit amount as well as the Requestor's right to approach a court via application proceedings for relief in the event that the Requestor is against the payment of the required fee and/or deposit and/or the procedure. Access will be withheld until the Requestor has made payment of the applicable fee(s).
- 10.4. The Company may, and in certain instances must, refuse access to Records on the grounds set out in the Act. The grounds include:
- 10.4.1. that granting access would result in the unreasonable disclosure of Personal Information about a third party;
 - 10.4.2. that it is necessary to protect the commercial information or the confidential information of a third party;
 - 10.4.3. that it is necessary to protect the commercial information of a third party or of the Company itself;
 - 10.4.4. that it is necessary to protect the safety of individuals or property;
 - 10.4.5. that it is necessary to protect the research information of a third party or the Company; and
 - 10.4.6. that the Record constitutes privileged information for the purposes of legal proceedings.
- 10.5. If the Request for access is refused, reasons for the refusal will be provided and the Requestor will be advised of the right to lodge an application with a court against the refusal of the Request, as well as the procedure for lodging the application.
- 10.6. If it is reasonably suspected that a Requestor has obtained access to the Company's Records through the submission of materially false or misleading information, legal proceedings may be instituted against such Requestor.

FEES

- 11.1. A Request for access to a Record must be accompanied by payment of an initial non-refundable Request fee of R57.50 (inclusive of VAT). This fee is not applicable to personal Requests where individuals are seeking access to Records pertaining to themselves. This Request fee may be paid at the time a Request is made, or the Information Officer may notify the Requester to pay the Request fee before processing the Request any further. A Requester may make an application to court to be exempted from the requirement to pay the Request fee.
- 11.2. A Requester whose Request for access to a Record held by Company is granted is also required to pay an access fee for the reproduction of the Record and for the search for and the preparation of the Record for disclosure. The Company is entitled to withhold a Record until the required access fees have been paid, which are payable as follows: (a) R1.10 for every photocopy of an A4-size page or part thereof; (b) R0.75 for every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form; (c) for a copy in a computer-readable form on: (i) electronic media, i.e. diskette, R7.50; or (ii) compact disc, R70.00; (d) R40.00 for a transcription of visual images,

PROMOTION OF ACCESS TO INFORMATION ACT s51 MANUAL

for an A4-size page or part thereof; (e) R60.00 for a copy of visual images; (f) R20.00 for a transcription of an audio Record, for an A4-size page or part thereof; and (g) R30.00 to search for and prepare the Record for disclosure for each hour or part of an hour reasonably required for such search and preparation.

- 11.3. In addition, if the search for and preparation of the Record takes more than six hours, the Company may charge R30.00 for each hour or part thereof which is required for the search for and preparation of the Record. Moreover, if the Company is of the opinion that the search and preparation of the Record will require more than six hours, it is entitled to ask for a deposit of one third of the access fees which will be payable. In such event, the Requester may make an application to court to be exempted from the requirement to pay this deposit. If a deposit is made and access to the Record is subsequently refused, the deposit will be repaid to the Requester.

12. RECORDS OR INFORMATION NOT FOUND

- 12.1. If, after all reasonable steps to locate a Record have been taken, and no Record is found, then the Information Officer will notify the Requester, by way of an affirmation or affidavit that access to the requested and titled document cannot be provided. The affirmation or affidavit will include detailed account of the steps taken to locate the Record.
- 12.2. Should a Record be found at a later stage, the Information Officer shall provide the Requester access to such Record, unless access to the Record is refused on the grounds permitted by the Act (Part 3, Chapter 4).

13. AVAILABILITY OF THIS MANUAL

A copy of this Manual is available on our website, subject to payment of the applicable fee. This Manual may also be inspected at the Company's head office. This Manual will be updated from time to time, as and when required. Any changes will be published and distributed in accordance with the Act.

14. CONTACT DETAILS

Masterparts (Pty) Ltd
26 Christian Avenue, Epping 7460
Cape Town, South Africa
Telephone: +27 21 505 5757
E-mail: privacy@masterparts.com

15. GUIDE TO THE ACT (SECTION 10)

The SAHRC has compiled a guide, as required by Section 10 of the Act, containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. The guide is available at www.sahrc.org.za. The SAHRC can be contacted directly at:

The South African Human Rights Commission: PAIA Unit
Private Bag X2700, Houghton 2041
2nd Floor, Braampark Forum 3, 33 Hoofd Street, Braamfontein
Telephone: +27 11 877 3600
Facsimile: +27 11 403-0625
E-mail: paia@sahrc.org.za
Website: <http://www.sahrc.org.za>

**PROMOTION OF ACCESS TO INFORMATION ACT
s51 MANUAL**

ANNEXURE A

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.

First Name(s): _____

Surname: _____

ID Number: _____

Address: _____

Postal Address: _____

Attention: _____

Phone Number: _____

Fax Number: _____

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.

First Name(s): _____

Surname: _____

ID Number: _____

PROMOTION OF ACCESS TO INFORMATION ACT s51 MANUAL

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.

Description of record or relevant part of the record: _____

Reference number, if available: _____

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 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.

PROMOTION OF ACCESS TO INFORMATION ACT s51 MANUAL

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* (e.g. compact disk or flash drive)

*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

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:

Explain why the record requested is required for the exercise or protection of the aforementioned right:

**PROMOTION OF ACCESS TO INFORMATION ACT
s51 MANUAL**

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 of _____ 20_____

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE