

Section 51 Manual

In terms of the Promotion of Access to
Information Act, Act no 2 of 2000.



Updated: June 2021

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1. INTRODUCTION

1.1 PROMOTION OF ACCESS TO INFORMATION ACT

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 access to information.

The Promotion of Access to Information Act became operative, giving effect to the constitution right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights; and to provide for matters connected therewith [Section 32(2)].

This document is Ferro Eleganza information manual and provides reference to the records held by Ferro Eleganza and the process to request access to such records.

1.2 Ferro Eleganza (PTY) LTD

Ferro Eleganza provides services to the industry by means of the construction of steel structures for commercial buildings, shopping centres, architectural structures and mining infrastructure.

1.3 AVAILABILITY OF THIS MANUAL

This Manual is available on Ferro Eleganza website – <https://www.ferroe.co.za> or on request from the designated contact person as specified in point 2 of this Manual.

A copy of this Manual is available –

- a) At our reception desk at our office / 299 Pendoring Office Park, Building 1, First Floor, 299 Pendoring Road, Blackheath, Randburg, 2195
- b) On request from our Information Officer as specified in point 2 of this Manual.
- c) On our website: <https://www.ferroe.co.za> From the South African Human Rights Commission (“SAHRC”) at the addresses and/or telephone numbers as published by the Commission.

This Manual will be updated from time to time, as and when required.

2. CONTACT DETAILS OF INFORMATION OFFICERS

In terms of the Act, the Director or equivalent, of a private body is designated as the Information Officer. The details of Ferro Eleganza Information Officer are as follows:

Contact Name:	Chris Narbonese,
Position:	Managing Director
Postal Address:	P.O. Box 470, Silverton, 0127
Physical Address:	208 Vonkprop Street, Samcor Park X2, Silverton, 0127
Telephone number:	012 803 8035
Email Address:	chris@ferroe.co.za

3. SAHRC GUIDE

3.1 GUIDE FOR REQUESTERS ON HOW TO USE THE ACT

A Guide has been compiled in terms of Section 10 of the Act by the Human Rights Commission. It contains information to assist a person wishing to exercise a right, in terms of the Act. Any person wishing to obtain the Guide may either access it through the Human Rights Commission's website at <http://www.sahrc.org.za> or should contact the PAIA Unit Research and Documentation Department:

Postal Address: Private Bag 2700, Houghton, 2041

Phone Number: (011) 484-8300

Fax Number: (011) 484-7146

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

4. AUTOMATIC DISCLOSURE

4.1 RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC

Ferro Eleganza has not published a notice in terms of Section 52(2) of the Act, however, it should be noted that the information relating to Ferro Eleganza and its services is freely available on the website of (Ferro Eleganza). Certain other information relating to Ferro Eleganza is also made available on such website from time to time.

Further information in the form of marketing brochures, advertising material and other public communication is made available from time to time.

5. LEGISLATIVE RECORDS

5.1 RECORDS HELD IN ACCORDANCE WITH OTHER LEGISLATION

All records kept and made available in terms of legislation applicable to any of the subjects listed in this Manual, as it applies to the specific environment in which the private body operates, are available in accordance with said legislation.

Certain records of Ferro Eleganza are available in terms of legislation other than PAIA. The specific records which are available in terms of such legislation are set out therein and these records may in certain instances only be accessed by the persons specified in the relevant legislation. The legislation is as follows:

- Basic Conditions of Employment Act, Act No. 75 of 1997
- Companies Act, Act No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act, Act No. 130 of 1993
- Consumer Protection Act, 2008, Act No 68 of 2008
- Credit Agreements Act, Act No. 75 of 1980
- Employment Equity Act, Act No. 55 of 1998
- Income Tax Act, Act No. 58 of 1962
- Labour Relations Act, Act No 66 of 1995
- Occupational Health and Safety Act, Act No. 85 of 1993
- Promotion of Access of Information Act
- Protection of Personal Information Act
- Skills Development Act, Act No. 97 of 1998
- Skills Development Levies Act, Act No. 9 of 1999

- Unemployment Insurance Act, Act No. 63 of 2001
- Unemployment Insurance Contributions Act, Act No. 4 of 2002
- Value Added Tax Act, Act No. 89 of 1991

6. RECORDS HELD

6.1 RECORDS SUBJECT AND CATEGORIES

Client Records: A client includes any natural or juristic entity, who receives services from the private body. Client-related information includes the following:

- any records a client has provided to a third party acting for or on behalf of the private body;
- any records a third party has provided to the private body; and
- records generated by or within the private body pertaining to the client, including transactional records.

Companies Act Records

- Documents of Incorporation
- Memorandum and Articles of Association
- Register of a Director

Financial Records

- Annual Financial Statements
- Tax returns
- Accounting records
- Banking records
- Bank statements
- Electronic banking records
- Rental agreements
- Electronic Invoices

Income Tax Records

- PAYE records
- Documents issued to employees for income tax purposes.
- Records of payment made to SARS on behalf of employees
- All other statutory compliances:
 - VAT

- Skills development levies
- UIF

Personnel Documents and Records

- Employment contracts
- Training manuals
- General HR policies and procedures
- Payroll records

Contracts

- Contracts with pension and provident funds
- Contract with auditors
- Contracts with service providers

Other party records: The private body may possess records pertaining to other parties, including without Limitation - contractors, suppliers, subsidiary /holding/sister companies, joint venture companies, service providers. Alternatively, such other parties may possess records, which can be said to belong to the private body. The following records fall under this category:

- personnel, client, or private body records which are held by another party as opposed to being held by the private body; and
- records held by the private body pertaining to other parties, including without limitation financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

7. ACCESS REQUESTS

7.1 ACCESS REQUEST PROCEDURE

The requester must complete Form C (Provided in Section 8 of this manual) and submit this form together with a request fee, to the head of the private body.

7.2 COMPLETION OF ACCESS TO INFORMATION FORM

The form must:

- a) provide sufficient particulars to enable the head of the private body to identify the record/s requested and to identify the requester,

- b) indicate which form of access is required,
- c) specify a postal address or fax number of the requester in the Republic,
- d) identify the right that the requester is seeking to exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of that right,
- e) if in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner,
- f) if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body.

7.3 SUBMISSION OF ACCESS REQUEST FORM

The form must be submitted to the head of the private body at his/ her address, fax number, or electronic mail address.

7.4 PAYMENT OF FEES

To facilitate our processing of your request, please note the following: As per Government Notice No. R187 of 15 February 2002, the following applies to requests (other than personal requests requesting personal information about the requester):

- A requestor is required, on notice from the private body in compliance with s54 of the ACT, to pay the prescribed fees before a request will be processed;
- If the preparation of the record requested requires more than the prescribed hours, a deposit shall be paid;
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- Records may be withheld until the fees have been paid;

The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at <http://www.sahrc.org.za>, or the website of THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (under regulations) at <http://www.doj.gov.za>.

8. FORMS

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 another person.
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Full names and surname:

Identity number:

D. Particulars of record

The requester must sign all the additional folios.

- (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.

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		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* (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? Postage is payable.</p>	<p>YES</p>	<p>NO</p>
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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 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