



SECTION 51 MANUAL

PROMOTION OF ACCESS TO INFORMATION ACT 2 of 2000

And

THE PROTECTION OF PERSONAL INFORMATION ACT 4 of 2013

POLICY AND MANUAL FOR SNA CIVIL AND STRUCTURAL ENGINEERS PTY LTD

(Hereinafter referred to as SNA)

Prepared in accordance with section 51 of the Promotion of Access to Information Act No. 2 of 2000 (as amended) and the Protection of Personal Information Act 4 of 2013

(In this Manual, all references to sections are to the Promotion of Access to Information Act, 2000 unless otherwise specified)

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1. Introduction

The Promotion of Access to Information Act, No. 2 of 2000 (the “**PAIA**”) seeks to give effect to the constitutional right to access information as contained in section 32 of the Bill of Rights. The PAIA seeks to advance the values of transparency and accountability.

The PAIA establishes certain statutory rights of requesters to access records of a private body if:

- that record is required for the exercise or protection of any rights.
- that requester complies with all the procedural requirements.
- access is not refused in terms of any ground referred to in the PAIA.

The Protection of Personal Information Act, No. 4 of 2013 (the “**POPI Act**”) seeks to give effect to the constitutional right to privacy as contained in section 14 of the Bill of Rights. The POPI Act seeks to safeguard personal information by regulating the manner in which it may be processed by public and private bodies.

The POPI Act provides that data subjects have the right to have their personal information processed in accordance with the conditions for the lawful processing of personal information, which are set out in the POPI Act.

One of the requirements specified in the PAIA, is the compilation of an information manual that provides information which includes the types and categories of records held by a private body (this relates to PAIA) as well certain information relating to the processing of personal information (this relates to the POPI Act).

The PAIA and the POPI Act are collectively referred to in this document as the “**Acts**”.

2. Scope and Purpose of the Manual

The scope of this manual includes SNA Civil and Structural Engineers Head Office, Regional Offices and Construction Sites.

This document serves as SNA’s information manual and provides reference to the records held by the Company as well as the personal information processed by the Company from time to time.

3. About SNA

Background information, including the main business activities and company profile is available on the SNA Website: <http://www.sna.co.za/>

4. Availability of the Manual

This manual is available for inspection on the SNA website at <http://www.sna.co.za/> and during normal business hours at the office of the Deputy Information Officer of SNA at 285 Albertus Street La Montagne Pretoria.

5. Contact person - Information Officer - Section 51 (1)(A)(I)

The responsibility for the administration of, and compliance with the Acts, has been delegated to the Deputy Information Officer of SNA. Requests pursuant to the provisions of the Acts should be directed as follows:

Information Officer	Johan Stoltz
Postal address	PO Box 72727 Lynnwood Ridge Pretoria 0040
Street address	285 Albertus Street La Montagne

Pretoria 0184
Business phone 012 842 0000
E-mail address pta@sna.co.za

Deputy Information Officer André van der Merwe
Postal address PO Box 72727
Lynnwood Ridge
Pretoria 0040
Street address 285 Albertus Street
La Montagne
Pretoria 0184
Business phone 012 842 0000
E-mail address pta@sna.co.za

6. Human Rights Commission / Information Regulator Guide - Section 51(1) (B) (I)

A Guide has been compiled in terms of Section 10 of the PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right contemplated by the PAIA. It is available in all of the official languages.

The Guide is available for inspection, *inter alia*, at the office of the offices of the Human Rights Commission at Braampark Forum 3, 33 Hoofd Street, Braamfontein, South Africa and on its website at www.sahrc.org.za.

The Information Regulator is required to update (and make available) the Guide to include information required by persons wishing to exercise any right contemplated in the POPI Act.

The updated Guide will be available from the Information Regulator in the manner prescribed.

7. Records automatically available to the public - Section 51(1)(B)(II)

No notice has been published pursuant to Section 51(1)(b)(ii), regarding the categories of records which are automatically available without having to request access in terms of PAIA.

8. Records held in accordance with other legislation - Section 51(1) (B) (III)

Certain legislation provides that private bodies shall allow certain persons access to specified records, upon request. Records are available in terms of the legislation detailed in **Annexure 3** to this manual (as amended from time to time); however, due to the number of laws applicable to SNA, the list of legislation may not be exhaustive.

Note that the information will only be provided in accordance with the requirements stipulated in the relevant pieces of legislation. If a requester believes that a right to access to a record exists in terms of the legislation 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 to consider the request in light thereof.

9. Records - categories and subject of records - Section 51(1) (B) (IV)

The information contained in this section is intended to identify the main categories of records held by the Company and to help the requester to gain a better understanding of the main business activities of the Company. Further assistance in identifying the records held by the Company is obtainable from the

Information Officer or his Deputy.

Records to which access will be provided in accordance with the PAIA (subject to the restrictions and right of refusal to access provided for in the PAIA) are available in respect of the following (no exhaustive) aspects of the Company's' businesses and operations:

Company records

- Documents of incorporation.
- Memorandum and Articles of Association or Memorandum of Incorporation (as applicable).
- Records relating to the appointment of directors / auditor / secretary.
- Public officer and other officers; and
- Share Register and other statutory registers.

Financial records

- Annual Financial Statements.
- Tax Returns.
- Accounting Records.
- Banking Records.
- Bank Statements.
- Paid Cheques.
- Electronic banking records.
- Asset Register.
- Rental Agreements; and
- Invoices.

Income tax records

- PAYE Records;
- Documents issued to employees for income tax purposes.
- Records of payments made to SARS on behalf of employees.
- All other statutory compliances.
 - VAT.
 - Skills Development Levies.
 - UIF; and
 - Workmen's Compensation.

Personnel / employee documents and records

- Employment contracts.
- Employment Equity Plan.
- Medical Aid records.
- Pension Fund records.
- Disciplinary records.
- Salary records.
- SETA records.
- Disciplinary code.
- Leave records.
- Training records; and
- Training Manuals.

Safety, health and environment (SHE) records

- SHE Policy; and
- Mandatory SHE Records.

10. Access requests

10.1 Access request procedure - Section 53

10.1.1 Completion of access request form

To facilitate a timely response to requests for access, all requesters should take note of the following when completing the Access Request Form.

- The Access Request Form, attached as **Annexure 1** hereto, must be completed.
- Proof of identity is required to authenticate the identity of the requester - in addition to the Access Request Form, requesters will be required to supply a certified copy of their identification document or a valid passport document, or if a legal entity, a certified copy of the Company Registration Certificate.
- 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 the printed form, additional information may be provided on an additional attached page.
- When the use of an additional page is required, precede each answer with the applicable title.

Please note that the successful completion and submission of an Access Request Form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the PAIA.

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

10.1.2 Submission of access request form

The completed Access Request Form, together with a certified copy of the requester's identity document, must be addressed to the Information Officer and submitted via the contact details stated in paragraph 5.

An initial **request fee of R57.50 (including VAT)** is payable on submission of the Access Request Form.

10.1.3 Payment of fees

Payment details can be obtained from the Information Officer indicated above and can be made via EFT direct deposit. No credit card payments are accepted. Proof of payment must be supplied via the contact details stated in paragraph 5.

If the request for access is successful an **access fee** may be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the **Prescribed Fees** as set out in **Annexure 2** hereto. The access fee must be paid prior to access being given to the requested record.

10.1.4 Notification

The Information Officer will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

This 30 (thirty) day period may be extended for a further period of not more than 30 (thirty) days, if the request is for a large volume of information, or the request requires a search for information held at other offices and the information cannot reasonably be obtained within the original 30 (thirty) day period. The requester will be notified in writing should an extension be sought.

10.2 Grounds for refusal of access to records (Chapter 4)

The main grounds for refusal of a request for information are:

- 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;

- Mandatory protection of the commercial information of a third party, if the record contains:
 - Trade secrets of that party.
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party.
 - Information disclosed by a third party if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement - the provisions of the PAIA to apply in relation to the rights of the relevant third parties.
- Mandatory protection of the safety of individuals and the protection of property.
- Mandatory protection of records which could be regarded as privileged in legal proceedings.
- The commercial activities of the Company, which may include.
 - Trade secrets of the Company; and
 - Financial, commercial, scientific or technical information which, if disclosed, would likely cause harm to the financial or commercial interests of the Company.

10.3 Appeal against refusal to grant access

If a requester is aggrieved by the refusal of the Information Officer to grant a request for a record, the requester may, upon notification of the Information Officer's decision (or upon deemed refusal in terms of Section 58 of the PAIA), lodge a complaint to the Information Regulator or apply to court for appropriate relief within the timeframes as prescribed by the PAIA.

11 Personal information

11.1 Purpose of processing - Section 51(1) (C) (I)

The purpose for which personal information is processed by the Company will depend on the nature of the information. In general, personal information is processed by the Company for business administration purposes, including:

- to carry out actions for the conclusion or performance of a contract.
- to comply with obligations imposed by law.
- to protect the legitimate interests of the data subjects.
- where it is necessary for pursuing the legitimate interests of the Company.

The above list is non-exhaustive.

11.2 Categories of data subjects and information - Section 51(1) (C) (II)

The Company process personal information relating to the following categories of data subjects and information:

Categories of Data Subjects

- Personnel / employees.
- Consultants.
- Contractors.
- Customers.
- Investors.
- Service providers.
- Suppliers.
- Other third parties with whom the Company conduct business.

The above list is non-exhaustive.

Categories of information

- In respect of natural persons may include: name, identifying number (identity or passport number), date of birth, citizenship, age, gender, race, marital status, language, telephone number(s), email address(es), physical and postal addresses, income tax number, banking information, disability information, employment history, background checks, fingerprints, CVs, education history, remuneration and benefit information, details related to employee performance and disciplinary procedures.
- In respect of juristic persons may include: name, registration number, tax information, contact details, physical and postal addresses, FICA documentation, BEE certificates, payment details (including bank accounts), invoices and contractual agreements.

The above lists are non-exhaustive.

11.3 Recipients to whom the personal information may be supplied - Section 51(1)(C)(III)

The categories of recipients to whom the Company may supply the personal information will depend on the nature of the information. In general, such categories of recipients would include:

- Other companies in the Group;
- Service providers.
- Medical aid, pension or provident funds.
- Auditing and accounting bodies(internal and external).
- Third parties with whom the Company have contracted for the retention of data.
- Relevant authorities, government departments, statutory bodies or regulators.
- A court, administrative or judicial forum, arbitration or statutory commission making a request in terms of the applicable laws or rules.

The above list is non-exhaustive.

11.4 Planned trans-border flows of personal information - Section 51(1) (C)(IV)

The Company envisage that it may transfer personal information to third parties or other companies in the Group, who are situated in a foreign country and such transfers would be subject to the relevant provisions of the POPI Act.

11.5 Information security measures - Section 51(1) (C)(V)

The Company strive to take appropriate, reasonable technical and organisational measures to secure the integrity and confidentiality of personal information in their possession or under their control.

11.6 Objection to the processing of personal information - Regulation 2 - POPI Regulations

A data subject may at any time object to the processing of his / her / its personal information (as contemplated in Section 11(3)(a) of the POPI Act) in the prescribed form attached to this manual as Annexure 4, subject to exceptions contained in the POPI Act.

11.7 Request for correction or deletion of personal information - Regulation 3 - POPI Regulations

A Data Subject may request that his / her / its personal information be corrected or deleted (as contemplated in Section 24 of the POPI Act) in the prescribed form attached as Annexure 5.

ANNEXURE 1

REQUEST FOR ACCESS TO A RECORD IN RELATION TO PAIA

REQUEST FOR ACCESS TO A RECORD OF PRIVATE BODY - FORM C

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

[Regulation 10]

1. Particulars of Private Body

Requests can be submitted either via conventional mail or e-mail and should be addressed to the Information Officer as indicated below

Information Officer	Johan Stoltz
Postal address	PO Box 72727 Lynnwood Ridge Pretoria 0040
Street address	285 Albertus Street La Montagne Pretoria 0184
Business phone	012 842 0000
E-mail address	pta@sna.co.za

Deputy Information Officer	André van der Merwe
Postal address	PO Box 72727 Lynnwood Ridge Pretoria 0040
Street address	285 Albertus Street La Montagne Pretoria 0184
Business phone	012 842 0000
E-mail address	pta@sna.co.za

2A. Particulars of person requesting access to the record (Requester)

- (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:

2B. Particulars of requester (if a Legal Entity)

(a) The particulars of the entity that 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.*

Name of Entity : _____

Registration Number : _____

Postal Address : _____

Telephone Number : _____

Fax Number : _____

E-Mail Address : _____

Capacity in which request is made

3 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

4 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 page and attach it to this form. The requestor must sign all the additional pages.

1. Description of record or relevant part of the record: _____

2. Reference number, if available: _____

3. Any further particulars of record: _____

5. Fees

(a) A request for access to a record will be processed only after a ***non-refundable request fee*** of ***R57.50 (including VAT)*** has been paid.

- (b) 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.
- (c) If you qualify for exemption of the payment of any fee, please state the reason for exemption

6. Form of access to records

<i>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.</i>	
Disability:	Form in which record is required:

Mark the appropriate box with an **X**.

- (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 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 the	<input type="checkbox"/> transcription of the images*
3.	If record consists of recorded words or information which can be reproduced in sound:		
	<input type="checkbox"/> Listen to soundtrack (audio CD)		<input type="checkbox"/> Transcription of soundtrack* (written or printed documents)
4.	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 (compact disc)		
*If you requested a copy or transcription of a record (above), do you wish the YES NO copy or transcription to be posted to you? Postage is payable			

7. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate page and attach it to this form. The requester must sign all the additional Pages.

- 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.

8. Notice of decision regarding request for access

How would you prefer to be informed of the decision regarding your request for access to the record? You will be notified in writing whether your request has been approved or 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.

Signed at _____ on this _____ day of _____ 20

Signature of Requester / Person on whose behalf request is made

ANNEXURE 2

PRESCRIBED FEES IN TERMS OF REGULATION 111

PRESCRIBED FEES FOR REPRODUCTION OF RECORDS

PLEASE NOTE THAT ALL AMOUNTS LISTED ARE INCLUSIVE OF VALUED-ADDED TAX

(Section 54(7) of the Promotion of Access to Information, Act No. 2 of 2000)

(a) For every photocopy of an A4-size page or part thereof	R1.27
(b) For every printed copy of an A4-size page or part thereof held on a computer or in an electronic or machine-readable form	R0.86
(c) For a copy in a computer-readable form on compact disc	R80.50
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	R46.00
(ii) For a copy of visual images	R69.00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	R23.00
(ii) For a copy of an audio record	R34.50

PRESCRIBED FEES FOR ACCESS OF RECORDS

PLEASE NOTE THAT ALL AMOUNTS LISTED ARE INCLUSIVE OF VALUED-ADDED TAX

(Section 54(7) of the Promotion of Access to Information, Act No. 2 of 2000)

(a) For every photocopy of an A4-size page or part thereof	R1.27
(b) For every printed copy of an A4-size page or part thereof held on a computer or in an electronic or machine-readable form	R0.86
(c) For a copy in a computer-readable form on compact disc	R80.50
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	R46.00
(ii) For a copy of visual images	R69.00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	R23.00
(ii) For a copy of an audio record	R34.50
(f) To search for and prepare the record for disclosure or part thereof - R34.50 for each hour or part thereof reasonably required for such search and preparation	
(g) Six hours of searching to be exceeded before a deposit is payable	
(h) One third of the access fee is payable as a deposit by the requester	
(i) The actual postage fee is payable when a copy of a record must be posted to a requester	

ANNEXURE 3

RECORDS HELD IN ACCORDANCE WITH OTHER LEGISLATION - SECTION 51(1)

Records are available in terms of the following legislation, as amended from time to time:

Basic Conditions of Employment Act 75 of 1997 (and Amendment Act)
Broad-Based Black Economic Empowerment Act 53 of 2003 (and Amendment Act and Regulations)
Broad-Based Black Economic Empowerment Revised Codes of Good Practice 2014
Companies Act 71 of 2008
Compensation for Occupational Injuries and Diseases Act 130 of 1993
Employment Equity Act 55 of 1998
Labour Relations Act 66 of 1995 (and Amendment Act)
Occupational Health and Safety Act 85 of 1993 Patents Act 57 of 1978
Protection of Personal Information Act 4 of 2013
Unemployment Insurance Act 63 of 2001
Value-Added Tax Act 89 of 1991

Please note:

Whilst all reasonable endeavours have been made to provide a complete list of applicable legislation above, it is possible that the above list may be incomplete. Wherever it comes to the Company's attention that existing or new legislation allows a requester access on a basis other than that set out in the PAIA, the above list will be updated.

ANNEXURE 4

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 2]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at _____ on this _____ day of _____ 20__

Signature of data subject/designated person

ANNEXURE 5

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 3]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the request may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

Mark the appropriate box with an "x".

Request for:

- Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
- Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED

D	Reasons for 'correction or deletion of the personal information about the data subject in terms of section 24(1)(a) which is in possession or under the control of the responsible party ; and or reasons for *destruction or deletion of a record of personal information about the data subject in terms of section 24(1)(b) which the responsible party is no longer authorised to retain. (please provide detailed reasons for the request)

Signed at _____ on this _____ day of _____ 20__

Signature of data subject/designated person