


CODE OF PRACTICE

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	PINDULO VDM PROMOTION OF ACCESS TO INFORMATION PROCEDURE	
	REVISION NUMBER: 0	ISSUE DATE: 25 JUNE 2021

1. PURPOSE

The purpose of this procedure is to ensure give a clear understanding and outline of the type of records and personal information it holds and explains how to submit requests for access to some of the Company's records in terms of the Promotion of Access to Information Act 2 of 2000.

2. SCOPE

This procedure is applicable to the all Pindulo VDM employees.

3. DEFINITION

PAIA - In addition, it explains how to access, or object to, personal information held by the Company, or request correction of the personal information, in terms of paragraphs 23 and 24 of the Protection of Personal Information Act 4 of 2013.

4. ABBREVIATIONS

PAIA	Promotion of Access to Information Act
COP	Code of Practice
POPI	Protection of Personal Information
HRC	Human Rights Commission
VAT	Value Added Tax
UIF	Unemployment Insurance Fund
Top Management	EXCO
Management	All Managers that is not part of Top Management

5. PROCEDURE


5.1 INTRODUCTION

Pindulo VDM Proprietary Limited ("**Company**") provides warehousing, handling and transportation services to its clients.

The PAIA and POPI Acts give effect to everyone's constitutional right of access to information held by private sector or public bodies, if the record or personal information is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

Requests shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in section 5.8 below.

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5.1.1 AVAILABILITY OF THIS PAIA PROCEDURE

A copy of this Procedure can be requested from the Information Officer – see section 5.2.1 below for the contact details.

5.1.2 AVAILABILITY OF GUIDES TO THE PAIA AND POPI ACTS

Guides to the PAIA and POPI Acts can be obtained and queries directed to:

PAIA Act

South African Human Rights Commission
Promotion of Access to Information Act Unit
Research and Documentation Department
Private Bag 2700
Houghton
Johannesburg
2041
29 Princess of Wales Terrace
Corner York and St Andrews Street
Parktown
Johannesburg
2193
Telephone number: (011) 484 8300
Fax number: (011) 484 7146/7
Website : www.sahrc.org.za
E-mail : PAIA@sahrc.org.za


POPI Act

Information Regulator (details still to be published)

5.2 COMPANY DETAILS

Full name: Pindulo VDM Proprietary Limited
Registration No: 1999/003381/07
Postal address: PO Box 35, Saldanha, 7395
Telephone: 022 714 3231
Telefax:
Website:
Email: io@pindulovdm.co.za; dio@pindulovdm.co.za

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5.2.1 CONTACT DETAILS OF THE HEAD OF THE COMPANY AND REQUEST LIAISON OFFICER

Title	Co-CEO of Company	Information Officer
Name and Surname	Kevin Changoo	Niel Pretorius
Telephone Number	022 – 714 3231	022 – 714 3231
Email Address	kevin@pindulovdm.co.za	io@pindulovdm.co.za

5.3 HUMAN RIGHTS COMMISSION GUIDE

The HRC has compiled a guide, as contemplated in section 10 of the Act, containing information to assist any person who wishes to exercise any right as contemplated in the Act.

The postal contact details of the HRC are -

Private Bag 2700

Houghton

2041

Telephone : +27 11 484 8300

Telefax : +27 11 484 0582

Email : www.sahrc.org.za

5.4 RECORDS THAT ARE AUTOMATICALLY AVAILABLE TO EITHER EMPLOYEES ONLY OR THE GENERAL PUBLIC AND EMPLOYEES

5.4.1 The following records are automatically available to all employees and need not be requested in accordance with the procedure outlined in section 5.7 –

5.4.1.1 personnel records are available to the employee whose file it is,

5.4.1.2 records of disciplinary hearings and related matters are available to the employee concerned,

5.4.1.3 the company's policies and procedures manual, and

5.4.1.4 the company's document format manual.

5.4.2 The following records are automatically available to the general public and all employees and need not be requested in accordance with the procedure outlined in section 5.7 –


5.4.2.1 the company's employment equity plan, and

5.4.2.2 the company's skills development plan.

5.5 RECORDS HELD BY THE COMPANY IN TERMS OF OTHER LEGISLATION AS CONTEMPLATED IN SECTION 51(1)(D) OF THE ACT

The following records are not automatically available without a request in terms of the Act -

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5.5.1 all statutory returns –

5.5.1.1 VAT,

5.5.1.2 workmen's compensation,

5.5.1.3 UIF,

5.5.1.4 regional services levies, and

5.5.1.5 skills development levies.

5.5.2 documents concerning compliance by the company, insofar as it may be necessary, with legal obligations in terms of the Attorneys Act No. 53 of 1979, the Occupational Health and Safety Act No. 85 of 1993 and any other applicable environmental or other legislation.

5.6 OTHER TYPES OF RECORDS HELD BY THE COMPANY AS CONTEMPLATED IN SECTION 51(1)(C)

These records are not automatically available without a request in terms of the Act. A request in terms of this section is subject to section 63(1) of the Act, which provides that the head of a company must refuse a request for access to a record of the company if the disclosure of the record would involve the unreasonable disclosure of personal information about a third party including a deceased individual.

5.6.1 Human Resources department

5.6.1.1 Personnel information including personal information, employment history and health records that the company may hold from time to time,

5.6.1.2 Training and development information, and

5.6.1.3 General files containing information on employee benefits and employee recruitment and selection information.

5.6.2 Project management

5.6.2.1 Building plans, and

5.6.2.2 Information generally related to projects conducted by the company from time to time.

5.6.3 Information technology

5.6.3.1 Usage statistics,

5.6.3.2 Equipment details, and


5.6.3.3 Costings of hardware and software.

5.6.4 Catering

5.6.4.1 Function records and related costings,

5.6.4.2 Stock sheets, and

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5.6.4.3 List of suppliers.

5.6.5 Companies department

5.6.5.1 Company secretarial records.

5.6.6 Finance/Accounts department

5.6.6.1 Financial records,

5.6.6.2 A list of the company's creditors and debtors,

5.6.6.3 Salary information,

5.6.6.4 Bank account information, and

5.6.6.5 Fixed assets register.

5.6.7 Marketing department

5.6.7.1 Company brochures and publications,

5.6.7.2 Documents relating to public relation events, and

5.6.7.3 Company media releases.

5.6.8 Support services

5.6.8.1 Delivery and collection sheets, and

5.6.8.2 List of suppliers.

5.7 PROCESS OF REQUESTING INFORMATION NOT AUTOMATICALLY AVAILABLE

5.7.1 A request shall be made on the prescribed form. A copy of the form is attached marked annexure "A" ("**the prescribed form**"). The form is also available from the website of the HRC, or the website of the Department of Justice and Constitutional Development at www.doj.gov.za.

5.7.2 The prescribed form shall be submitted to the request liaison officer at her address, telefax number or e-mail address, who shall hand it to the head of the company.

5.7.3 The same procedure as set out in 9.1 and 9.2 applies if the requester is requesting information on behalf of another person or on behalf of a permanent employee of the company.

5.7.4 The head of the company, as soon as reasonably possible and within thirty days after the request has been received, shall decide whether or not to grant the request.

5.7.5 The requester will be notified of the decision of the head of the company or the request liaison officer in the manner indicated by the requester.


5.7.6 If the request is granted, the requester shall be informed by the head of the company or the request liaison officer in the manner indicated by the requester in the prescribed form.

5.7.7 Notwithstanding the foregoing, the company will advise the requester in the manner stipulated by the requester in the prescribed form of –

5.7.7.1 the access fee to be paid for the information (in accordance with paragraph 10),

5.7.7.2 the format in which access will be given, and

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- 5.7.7.3** the fact that the requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted.
- 5.7.8** After access is granted, actual access to the record requested will be given as soon as reasonably possible.
- 5.7.9** If the request for access is refused, the head of the company or the request liaison officer shall advise the requester in writing of the refusal. The notice of refusal shall state –
- 5.7.9.1** adequate reasons for the refusal, and
- 5.7.9.2** that the requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request (including the period) for lodging such an appeal.
- 5.7.10** Upon the refusal by the head of the company or the request liaison officer, the deposit paid by the requester will be refunded.
- 5.7.11** If the head of the company or the request liaison officer fails to respond within thirty days after a request has been received, it is deemed, in terms of section 58 read together with section 56(1) of the Act, that the head of the company or the request liaison officer has refused the request.
- 5.7.12** The head of the company may decide to extend the period of thirty days ("**original period**") for another period of not more than thirty days if -
- 5.7.12.1** the request is for a large number of records,
- 5.7.12.2** the search for the records is to be conducted at premises not situated in the same town or city as the head office of the company,
- 5.7.12.3** consultation among divisions or departments, as the case may be, of the company is required,
- 5.7.12.4** the requester consents to such an extension in writing, and
- 5.7.12.5** the parties agree in any other manner to such an extension.
- 5.7.13** Should the company require an extension of time, the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.
- 5.7.14** The requester may lodge an appeal with a court of competent jurisdiction against any extension or against any procedure set out in this section.

5.8 FEES PAYABLE

- 5.8.1** The fees for reproduction of a record as referred to in section 52(3) are as follows –
- 5.8.1.1** for every photocopy of an A4 size page or part thereof R1,10,
- 5.8.1.2** for every printed copy of an A4-size page or part thereof R0,75,
- 5.8.1.3** for a copy of a compact disc R70,00,
- 5.8.1.4** for a transcript of visual images for an A4 size page or part thereof R40,00,
- 5.8.1.5** for a copy of visual images R60,00,
- 5.8.1.6** for a transcript of an audio record, for an A4-size page or part thereof R20,00, and

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5.8.1.7 for a copy of an audio record R30,00,

5.8.2 The request fee payable by a requester, other than a personal requester is R50, 00.

5.8.3 If the head of the company or if the request liaison officer is of the opinion that six hours will be exceeded to search, reproduce and/or prepare the information requested, a deposit is payable equal to one-third of an amount of R30 for each hour or part thereof, exceeding the six hours.

5.9 INFORMATION OR RECORDS NOT FOUND

5.9.1 If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, then the head of the company or the request liaison officer shall notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.

5.9.2 The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the head of the company or the request liaison officer with every person who conducted the search.

5.9.3 The notice, as set out in 11.1, shall be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.

5.9.4 If the record in question should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the head of the company or the request liaison officer.

5.9.5 The attention of the requester is drawn to the provisions of Chapter 4 of Part 3 of the Act in terms of which the company may refuse, on certain specified grounds, to provide information to a requester.

5.10 INFORMATION REQUESTED ABOUT A THIRD PARTY

5.10.1 Section 71 of the Act makes provision for a request for information or records about a third party.


5.10.2 In considering such a request, the company will adhere to the provisions of sections 71 to 74 of the Act as well as the relevant provisions of POPI Act.

5.10.3 The attention of the requester is drawn to the provisions of Chapter 5 of Part 3 of the Act in terms of which the company is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of the Act entitle third parties to dispute the decisions of the head of the company or the request liaison officer by referring the matter to the High Court.

5.11 UPDATING OF MANUAL

The company may update this manual every six months or at such intervals as may be necessary.

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5.12 FORMS

The Information Officer can be contacted who will forward the prescribed forms if and when access to information is requested.

6 RECORD OF REVIEW

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COP 059	New	0	25.06.2021

7 RECORDS

Request for Information Form

8 REFERENCE

Promotion of Access to Information Act 2 of 2000 (“**PAIA Act**”)

Protection of Personal Information Act 4 of 2013 (“**POPI Act**”)

Attorneys Act No. 53 of 1979

Occupational Health and Safety Act No. 85 of 1993

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