

Halewood International (Pty) Ltd

Registration No. 1998/001887/07

Section 51 Manual - Promotion of Access to Information Act

March 2012

*MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT, NR. 2 OF 2000*

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INTRODUCTION

Halewood International (Pty) Ltd is a private company that manufactures alcoholic beverages, performs contract packaging and related services.

The company operates mainly in the industrial services sector and provides professional services and training to the corporate market, small business and individuals. The company is trading as a branch of the UK parent company Halewood International Holdings Ltd

CONTACT DETAILS

Private body Head / Information officer	Michael Clifford Veysie
Postal address	P O Box 2132, Benoni, 1500
Registered offices	61 Toronto Road, Apex Ext 1, Benoni, 1501
Tel no	011 422 5880
Fax No	011 422 5888
E-mail address	mveysie@halewood.co.za
Cell no	082 330 2100

GUIDE IN TERMS OF SECTION 10 OF THE ACT

The Human Rights Commission (“the Commission”) has, in terms of section 10 of the PAIA, published a Guide (“the Guide”) to assist persons wishing to exercise any rights in terms of the PAIA.

The Guide may be obtained from the Commission. Any person wishing to obtain the Guide may either access it through the Commission’s website at www.sahrc.org.za or should contact:

PAIA Unit
Research and Documentation Department

Postal address:
Private Bag X2700
Houghton
2041

Telephone: 011 877 3600

Fax: 011 403 0625

Email: paia@sahrc.org.za / info@sahrc.org.za

RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

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

Certain records of the company 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
- Businesses Act, Act No 71 of 1991
- National Small Business Act, 1996
- 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
- Environment Conservation Act, Act No.73 of 1989
- Income Tax Act, Act No. 58 of 1962
- Labor Relations Act, Act No 66 of 1995
- Liquor Act, Act No. 59 of 2003
- National Energy Act, Act no. 34 of 2008
- National Environmental Act, Act no 107 Of 1998
- National Environmental Management ACTS (various)

- National Water Act, Act No. 36 of 1998
- Occupational Health and Safety Act, Act No. 85 of 1993
- 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

SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE PRIVATE BODY

Records are held on the following subjects:

- personnel records
- client-related records
- private body record
- records in the possession of or pertaining to other parties

Personnel records

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 any remuneration and any other person who assists in carrying out or conducting the business of the private body. This includes, without limitation, directors, executives, non-executives, all permanent, temporary and part-time staff as well as contract workers.

Personnel records include the following:

- any personal records provided to the private body by their personnel
- any records a third party has provided to the private body about any of their personnel
- conditions of employment and other personnel-related contractual and quasi-legal records
- internal evaluation records;
- other internal records and correspondence

Client-related 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

Private body records

The following are considered to include but not be limited to records, which pertain to the private body's own affairs:

- financial records
- taxation
- operational records
- databases
- information technology
- marketing records
- internal correspondence
- product records
- statutory records
- internal policies and procedures
- treasury-related records
- securities and equities
- records held by officials of the private body

Other parties

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
- 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.

Kindly note that all requests to the private body will be evaluated and considered in accordance with the Act. Publication of this manual and describing the categories and subject matter of information held by the private body does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY):

The ACT makes provision, in s 52(2)(a), for the publication by Government Notice of categories of records held by this private body which are automatically available, and for which the requester need not follow the requirements as laid out in the ACT. No such Notice has yet been published.

(Notices in terms of s 52(2) of the ACT can be found at <http://www.doj.org.za>.)

DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS – SECTION 51(e)

- The requester must complete Form C (Annexure A) and submit this form together with a request fee, to the head of the private body.
- The form must be submitted to the head of the private body at his/ her address, fax number, or electronic mail address
- The form must:
 - provide sufficient particulars to enable the head of the private body to identify the record/s requested and to identify the requester,
 - indicate which form of access is required,
 - specify a postal address or fax number of the requester in the Republic,
 - 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,
 - 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,
 - 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.

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 s 54 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>.

UPDATE OF MANUAL

(Information as required by s 51(1)(f) of the ACT)

From time to time, the information in this manual will be updated as prescribed in order to retain compliance with the ACT. The information contained in this manual is correct as of March 2012.

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.*

Full names and surname: _____

Identity number: _____

Postal address: _____

Attention: _____

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 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 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: _____ - _____
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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.

1. If the record is in written or printed form:

<input type="checkbox"/> copy of record*	<input type="checkbox"/> inspection of record
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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)	
*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 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: _____

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 of _____ 20__

SIGNATURE OF REQUESTER / PERSON

ON WHOSE BEHALF REQUEST IS MADE