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PROMOTION OF ACCESS TO INFORMATION ACT MANUAL

A copy of the manual will be available for inspection at Concarga (Pty) Ltd Head Office and all branches and is also available on the company website at www.concarga.com

December 2015

INTRODUCTION

The Promotion of Access to Information Act, 2 of 2000 ("the Act") was enacted on 3 February 2000. The purpose of this legislation is to address Section 32(2) of the Constitution, which provides that any person has a right to gain access to any information held by a public or private body. If the record is requested from a private body the requester needs to prove that the record is required for the exercise or protection of a right.

One of the main requirements specified in the Act is the compilation of a manual by 28 February 2003 that provides information on both the types and categories of records held by the public or private body. In terms of the Act a private body includes any former or existing juristic person. Therefore **Concargio (Pty) Ltd** is regarded as a "private body" and both the manual and requirements regarding access must be in compliance with the provisions of the Act relevant to private bodies.

This document serves as the **Concargio (Pty) Ltd** (hereinafter referred to as '**Concargio**') and its subsidiaries manual in terms of the Act to provide a reference as to the records held and the process that needs to be followed to request access to such records.

COMPANY OVERVIEW

Concargio is an independent logistics service provider to importers and exporters that offers comprehensive transport solutions by road, rail, sea and air. While we are not a clearing and forwarding agent, we do work with expert partners across the globe to deliver a fully-integrated service. As a 4th Party Logistics Service provider (4PL), we specialise in imported and exported cargo transportation throughout South Africa and Sub-Saharan Africa. From the collection of containers at the port to delivering cargo to your chosen destination – and all the logistics inbetween – we take care of your transport needs from start to finish.

SCOPE OF THE MANUAL

The scope of this manual will exclude **Concargio** operations outside the borders of the Republic of South Africa and will serve to provide a reference regarding the records held by the following South African operating divisions.

- Concargio Head Office, Cape Town and Johannesburg branch
- National Domestic Road Haulage
- Over Border Africa Road Haulage
- Air Freight
- Sea Freight
- Abnormal Out-of-Gauge Project Cargo, Mobile Cranes & Access Equipment
- Warehousing & Distribution

ADMINISTRATION OF THE ACT

The Managing Director of **Concargio** will ensure that the requirements of the Act are administered in a fair, objective and unbiased manner.

GUIDE FOR REQUEST ON HOW TO USE THE ACT

The Human Rights Commission (HRC) is responsible for compiling a guide that will facilitate ease of use of the Act for requester. Please direct any queries to:

**The South African Human Rights Commission PAIA Unit
The Research and Documentation Department**

Postal address: Private Bag X2700, Houghton, 2041
Phone number: +27 (11) 484-8300
Fax number: +27 (11) 484-0582
Email: PAIA@sahrc.org.za
Website: www.sahrc.org.za

AUTOMATIC AVAILABILITY OF CERTAIN RECORDS

Records lodged in terms of Government requirements with various statutory bodies, including the Registrar of Companies.

RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION

Records are available in accordance with the following legislation:

- Atmospheric Pollution Prevention Act No. 45 of 1965;
- Aviation Act No. 74 of 1962;
- Basic Conditions of Employment Act No. 75 of 1997;
- Companies Act No. 71/2008;
- Compensation of Occupational Injuries and Health Diseases Act No.130 of 1993;
- Consumer Affairs Act No. 71 of 1988;
- Copyright Act No. 98 of 1978;
- Credit Agreements Act No. 75 of 1980;
- Currency and Exchanges Act No. 9 of 1933;
- Customs and Excise Act No. 91 of 1964;
- Employment Equity Act No. 55 of 1998;
- Financial Advisory and Intermediary Services Act No. 37 of 2002;
- Financial Intelligence Centre Act No. 38 of 2001
- Financial Markets Control Act No. 55 of 1989;
- Harmful Business Practices Act No. 23 of 1999;
- Hazardous Substances Act No. 15 of 1973;
- Health Act No. 63 of 1977;
- Income Tax Act No. 58 of 1962;
- Insolvency Act No. 24 of 1936;
- Insurance Act No. 27 of 1943;
- Intellectual Property Laws Amendments Act No. 38 of 1997;
- Labour relations Act No 66 of 1995;
- Land Survey Act 8 of 1997;
- Long Term Insurance Act No. 52 of 1998;
- National Credit Act
- National Payment Systems Act No. 78 of 1998;
- Occupational Health and Safety Act No.85 of 1993;
- Protection of Businesses Act No. 99 of 1978;
- Road Transport Act No. 74 of 1977;
- Second Hand Goods Act No. 23 of 1955;
- Short Term Insurance Act No. 53 of 1998;
- Skills Development Levies Act No. 9 of 1999;
- Skills Development Act No. 97 of 1998
- Stamp Duties Act No. 77 of 1968;

- Trade Marks Act No. 194 of 1993;
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 30 of 1966;
- Value-Added Tax Act No. 89 of 1991;

RECORD SUBJECT AND CATEGORIES – CONCARGO HEAD OFFICE

Concarg Head Office maintains financial and management accounts, provides tax advice on all aspects of taxation and performs company secretarial services. The main categories of records maintained by **Concarg** Head Office are as follows:

- Statutory Records
- Administrative Records
- Transactional Documents
- Departmental Administration Records
- Quoted Company Records
- Tax Records
- Vat Records
- Contracts and Agreements
- General Correspondence
- Employee Records
- Pension Records
- Employee Benefit Records
- Labour Relations Records
- Employment Equity Records
- Employee Contracts
- Employee Performance Records
- Patents & Trademarks
- Insurance Records
- Building and Property Records
- General Administration Records
- Working Papers
- Investment Records
- Management Reports
- Share Register Records
- Accounting Records
- Minutes of Meetings
- Operational Records

Contact person: David Kruyer

Postal address: PO Box 1379, Durbanville, 7551

Physical address: 6 on Tierberg, Parow East, 7500

Phone Number: +27 (0)21 930 9160

Fax Number: +27 (0)21 930 9175

Email: david@concargo.com

ACCESS REQUEST PROCEDURE

The purpose of this Section 51(1)(e) of the Act is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to a record held by **Concarg**.

It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of a request from does not automatically allow the requester access to the requested record.

Note:

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

Completion of Access Request Form

In order for **Concargo** to respond to a request in a timely manner the Access Request Form should be completed, taking due cognizance of the following Instructions on Completion of Forms:

1. The Access Request Form must be completed in the English language.
2. Type or print in BLOCK LETTERS an answer to every question.
3. If a question does not apply, state "N/A" in response to that question.
4. If there is nothing to disclose in reply to a particular question state "NIL" in response to that question.
5. If there is insufficient space on a printed form in which to answer a question additional information may be provided on an additional folio.
6. When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.

Submission of Access Request Form

The completed Access Request Form must be submitted either via conventional mail, fax or email and must be addressed to the contact person indicated in this document for the particular areas of business.

An initial, non-refundable R57.00 request fee is payable on submission. This fee is not applicable to Personal Requesters, referring to any person seeking access to records that contain their personal information.

Payment of Fees

Payment details can be obtained from the contact person as indicated in this document and payment can be made by either direct deposit or by bank guarantee cheque (no credit card payments are accepted). Proof of payment must be supplied.

Note:

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

Notification

Requesters will be evaluated and the requester notified, within 30 days of receipt of the completed Access Request Form. Notification may include:

Notification of Extension Period (if required)

The requesters may be notified whether an extension period is required for the processing of their requests including:

- i. The required extension period, which will not exceed an additional 30 days;
- ii. Adequate reasons for the extension; and
- iii. Notice that the requester may lodge an application with a court against the payment of the deposit and the procedure including the period, for lodging the application.

Payment of Deposit (if applicable)

The requester may be notified whether a deposit is required. A deposit will be required depending on certain factors such as the volume and/or format of the information requested and the time required for search and preparation of the record(s).

The notice will state:

- i. The amount of the deposit payable (if applicable); and
- ii. That the requester may lodge an application with a court against the payment of the deposit and the procedures including the period, for lodging the application.

Please note:

In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

Decision on Request

If no extension period or deposit is required the requesters will be notified within 30 days of the decision on their requests.

If the request for access to a record is successful the requester will be notified of the following:

- i. The amount of the access fee payable upon gaining access to the record (if any);
- ii. An indication of the form in which the access will be granted;
- iii. Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure including the period for lodging the application.

If the request for access to a record is not successful the requester will be notified of the following:

- i. Adequate reasons for the refusal (refer to Third Party Information and Grounds for Refusal below); and
- ii. That the requester may lodge an application with a court against the refusal of the request and the procedure including the period, for lodging the application.

Third Party Information

If access is requested to a record that contains information about a third party, **Concargo** is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting access or by providing reasons why the access should be denied.

In the event of the third party furnishing reasons for the support or denial of access, our designated contact person will consider these reasons in determining whether access should be granted, or not.

Grounds for Refusal

Concargio may legitimately refuse to grant access to a requested record that falls within a certain category.

Grounds on which **Concargio** may refuse access include:

- i. Protecting personal information that **Concargio** hold about a third person (who is a natural person) including a deceased person, from unreasonable disclosure;
- ii. Protecting commercial information that the group holds about a third party or **Concargio** (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organization or the third party);
- iii. If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- iv. If disclosure of the record would endanger the life or physical safety of an individual;
- v. If disclosure of the record would prejudice or impair the security of property or means of transport;
- vi. If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- vii. If disclosure of the record would prejudice or impair the protection of the safety of the public;
- viii. The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- ix. Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of the Group;
- x. Disclosure of the record would put **Concargio** at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- xi. The record is a computer programme; and
- xii. The record contains information about research being carried out or about to be carried out on behalf of a third party or the Group.

Records that cannot be found or do not exist

If **Concargio** has searched for a record and it is believed that the record does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

CONCARGO HEAD OFFICE

Access Request Form

	FOR OFFICE USE ONLY	Reference Number:
		Received By:

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000) (Regulation 10)

A. Particulars of Concargo

Requests can be submitted either via conventional mail, fax or email and should be addressed to the relevant contact person as indicated below:

Contact Person: David Kruyer
Postal address: P.O. 1379, Durbanville, 7551
Physical Address: 6 on Tierberg, Parow East, 7500
Phone Number: +27 (0)21 930 9160
Fax Number: +27 (0)21 930 9175
Email: david@concargo.com

B. Particulars of Person requesting access to the record/s

- (a) *The particulars of the person who requests access to the records must be provided in the space provided below.*
- (b) *Furnish an address and/or fax number within the Republic of South Africa to which information must be sent.*
- (c) *Proof of the capacity in which a person is making the request must be attached, if applicable, must be attached.*

Full Name and Surname: _____

Identity Numbers: _____

Postal Address: _____

Postal Code: _____

Telephone Number: _____

Fax Number: _____

E-mail Address: _____

Capacity in which request is made, when made on behalf of another person: _____

B. Particulars of person on whose behalf request is made:

This section must only be completed if a request for information is made on behalf of another person.

Full names and Surname: _____

Identity Number: _____

D. Particulars of Record/s required:

(a) *Provide full particulars of the record/s to which access is required, 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 additional folios or other annexure.*

1. Description of the Record or relevant part of the record:
2. Reference number, if available:
3. Any further particulars of the record/s required:

E. Fees

(a) A request for access to a record, other than a record containing personal information about the requester will be processed only after a non-refundable request fee of R57, 00 has been paid.

(b) The fee payable for access to a record depends on the form in which the access is required and the reasonable time required to search for and prepare the record.

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

Reason for exemption of payment of the fee/s: _____

F. Form of Access to Record

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 under certain circumstances. In such a case you will be informed whether 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:

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 information that can be reproduced in sound:

Listen to soundtrack (audio cassette)

Transcription of soundtrack*
(written or printed document)

4. If the record is held on computer in an electronic or machine-readable form:

Printed copy of record

Printed copy of information derived from the record

Copy in computer readable form

If you requested a copy or transcription of a record (above), do not wish the copy or transcription to be posted to you? Postage is payable.

YES

NO

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 above, state your disability and indicate in which form the record is required.

Disability: _____ **Form in which record is required:** _____

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.

1. Indicate which right is to be exercised or protected:

2. Explain why the requested record(s) is required for the exercising or protection of the aforementioned right(s):

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 thereof 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 _____ on this the _____ day of _____ 20__

Signature of Requester / Person on whose behalf request is made

