

RAIL PLANT HIRE Pty Ltd

Registration Number: 1980/010711/070

MANUAL ISSUED IN TERMS OF:

**SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (PAIA) READ WITH
THE PROCESSING OF PERSONAL INFORMATION ACT 4 OF 2013 (POPIA)**

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1. Introduction

This Manual (the **Manual**) has been compiled in accordance with the requirements of PAIA, read with the relevant sections of POPIA.

RAIL PLANT HIRE (the **Company**) is a private body as defined in PAIA, and this Manual contains the information specified in section 51 of PAIA, which is applicable to such a private body.

RAIL PLANT HIRE hires construction plant, specializing in bulldozers, to the Mining and Construction industry throughout South Africa. Their offices are situated in Hillcrest A/Holdings in Benoni. The Company has 120 employees.

A copy of the Manual will be made available to the South Africa Human Rights Commission (**the SAHRC**) or the Information Regulator, whichever may be applicable, and any controlling body of which the Company is a member, and will be published on the Company's website.

The Manual will be updated on a regular basis in accordance with the requirements of section 51(2) of PAIA.

2. Contact Details

The Chief Executive Officer of the Company, Christopher Barclay is the head of the Company for purposes of PAIA, and is the **Company's information officer** for purposes of POPIA.

In addition, Sergio Massimiani has been designated as deputy information officer/s for purposes of PAIA and POPIA (referred to as **deputy information officer** or **DIO**).

Their contact details are as follows:

Information Officer:

Telephone: 011 968 9804

Fax: 011 968 9806

E-mail: railplanthire@mweb.co.za

Deputy Information Officer/s:

Telephone: 011 968 9804

Fax: 011 968 9806

Email: railplanthire@mweb.co.za

Postal address:

P.O. Box 8249

Putfontein

Benoni 1513

Physical address:

9 Jones Street

Hillcrest Agricultural Holdings

Benoni

3. **Guide on how to use PAIA**

The SAHRC has, in terms of section 10 of PAIA, compiled in each official language a guide containing information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA. The Guide is available from the SAHRC.

Please direct any queries in this regard to:

The South African Human Rights Commission: PAIA Unit

The Research and Documentation Department

South African Human Rights Commission

Postal address: Private Bag X2700, Houghton, 2041

Telephone: +27 11 877-3600

Fax: +27 11 403-6025

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

With effect from 1 July 2020, enforcement of PAIA will fall under the jurisdiction of the Information Regulator established in terms of POPIA. The contact details for the Information Regulator are (at present) as follows:

The Information Regulator (South Africa)

33 Hoofd Street, Forum III, 3rd Floor Braampark

Postal Address: P.O Box 31533, Braamfontein, Johannesburg, 2017

Telephone number: +27 (0)10 023-5200 / +27 (0)82 746-4173

Website: <https://www.justice.gov.za/infoereg/index.html>

E-mail: infoereg@justice.gov.za / complaints.IR@justice.gov.za

4. **Records available in terms of any other legislation**

The Company holds details of its own registration, together with its financial statements and proof of its registration in terms of section 18A of the Income Tax Act, 1962 (**the ITA**).

It holds information pertaining to its directors and shareholders.

The Company holds information pertaining to its employees as required in terms of applicable employment legislation including the Basic Conditions of Employment Act, 1997, the Employment Equity Act, 1998, the Compensation for Occupational Injuries and Diseases Act, 1993, and the ITA.

5. **Access to records**

5.1 No ministerial notice has been published in terms of section 52(2) of PAIA.

5.2 For purposes of facilitating a request in terms of PAIA, the information below includes a description of the subjects on which the Company holds records and the categories into which these fall. This information is not exhaustive and may be amended from time to time.

5.3 Certain records are available without having to be requested in terms of the request procedures set out in PAIA and detailed in paragraph 6 of the Manual below. A request for access to records held by the Company in terms of section 52 of PAIA must be made on the form contained in the Regulations regarding the Promotion of Access to Information (Form E). A copy of the form is attached as **Schedule A** to the Manual.

5.4 Subject to the provisions of PAIA, information may be inspected, collected, purchased or copied at the offices of the Company and, unless the records are available on the Company's website, an appointment to view the records will have to be made with the information officer or the deputy information officer. The schedule of reproduction fees in relation to a section 52 information request are set out paragraph 6.2.2 below.

5.5 Categories of record of the Company which are available to a person without having to request access in terms of PAIA:

Category	Description	Format	Maintained by	Stored at	Retention period
Information in the public domain	Incorporation documents	Hard copy and electronic copy	IO / DIO	9 Jones St. Hillcrest A/H	Indefinite
	B-BBEE certificate	Hard copy and electronic copy	IO / DIO	9 Jones St. Hillcrest A/H Benoni	Indefinite

Category	Description	Format	Maintained by	Stored at	Retention period
	Annual reports	Hard copy and electronic copy	IO / DIO	9 Jones St. Hillcrest A/H Benoni	Indefinite
	Public statements and communications	Hard copy and electronic copy	IO / DIO	9 Jones St. Hillcrest A/H Benoni	Indefinite
	Employment Equity Report	Hard copy and electronic copy	IO / DIO	9 Jones St. Hillcrest A/H Benoni	Indefinite
	General information pertaining to the Company and information regarding the services rendered	Hard copy and electronic copy	IO / DIO	9 Jones St. Hillcrest A/H Benoni	Indefinite

5.6 The records listed below, which need to be requested in terms of PAIA and/or POPIA, will not in all instances be provided to a requester. In other words, the records held under the various subjects are not automatically available and access to them is subject to the nature of the information contained in the record, as well as the grounds of refusal as set out in PAIA that may be applicable to a request for such records. (See also paragraph 6.1.4 below.) The procedure in terms of which such records may be requested from the Company is set out in paragraph 6.1 below.

5.7 Categories of records that may be requested in terms of PAIA and/or POPIA:

Category	Description	Format	Maintained by	Retention
Finance and administration	Bank account records; Books and records of account and financial statements; Annual budget; VAT, SITE and PAYE records; Asset registers; Details of auditors; External auditor reports; Information pertaining to clients as required in terms of the Financial	Hard copy and electronic copy	Head	Indefinite / as required in terms of applicable legislation / as required in terms of applicable contracts

Category	Description	Format	Maintained by	Retention
	Intelligence Centre Act; Minutes of the meetings of the Company (non-confidential parts); Minutes of the meetings of committees/ subcommittees; Minutes of staff meetings and/or management meetings.			
Management	Minutes of meetings of the Executive Committee and subcommittees; Internal correspondence; Resolutions and directives; internal investigation reports; Policies, procedures, and codes; Travel management and arrangements.	Hard copy and electronic copy	Head	Indefinite / as required in terms of applicable legislation / as required in terms of applicable contracts
Human Resources	Organisational information (organisational structure, etc.); Personnel files; Contracts, conditions of service and other agreements; Statutory employee records; Records of background checks (including qualification, credit and criminal record checks); Retirement fund records; Medical aid records; Budget projections in respect of staff; Employee leave records; Employee payments and benefits	Hard copy and electronic copy	Head	As required in terms of applicable legislation / contracts of employment

Category	Description	Format	Maintained by	Retention
	(statutory and contractual); Correspondence with or about employees; Performance management records; Records of disciplinary hearings and findings; Records of incapacity proceedings, including medical information Records of occupational injuries and diseases; Employee declarations in terms of the EEA.			
Relationships with third parties	Agreements with stakeholders; Service level agreements with suppliers; Contact details of suppliers; Tender and bid documentation; Service level agreements; Details of customers / clients including contact details, details pertaining to transactions, loyalty programmes, etc.; Licences and general conditions for conducting business.	Hard copy and electronic copy	Head	Indefinite / as required in terms of applicable legislation / as required in terms of applicable contracts
Information technology	Computer software; Support and maintenance agreements; Licensing agreements; Records regarding computer systems and programmes.	Hard copy and electronic copy	Head	Indefinite / as required in terms of applicable legislation / as required in terms of applicable contracts

Category	Description	Format	Maintained by	Retention
Property	Asset registers; Lease agreements in respect of immovable property; Records regarding insurance in respect of movable or immovable property.	Hard copy and electronic copy	Head	Indefinite / as required in terms of applicable legislation / as required in terms of applicable contracts
Legal	Litigation; Appeals; Contracts and memoranda of understanding; Regulatory permissions, licenses, and/or exemptions.	Hard copy and electronic copy	Head	Indefinite / as required in terms of applicable legislation / as required in terms of applicable contracts

5.8 For purposes of POPIA:

5.8.1 For the purposes of facilitating a request for personal information, the information below includes details of the purpose of the processing of personal information by the Company, a description of the categories of data subjects and of the information or categories of information relating to data subjects held by the Company, the recipients or categories of recipients to whom personal information may be supplied, planned transborder flows of personal information, and a general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the Company to ensure the confidentiality, integrity and availability of the information which is to be processed.

5.8.2 In terms of POPIA, a requester to whom certain personal information relates may request the Company to confirm, free of charge, whether or not it holds personal information about that particular requester.

5.8.3 A requester may make a request that the Company provides the record or a description of the personal information about the requester which is held by it, including information about the identity of third parties, or categories of third parties, who have, or have had, access to the information. This request must be made within a reasonable time, in a reasonable manner, and format, at a fee, and in a form that is generally understandable.

5.8.4 Categories of data subjects and categories of personal information relating thereto:

Data subjects	Categories of information
Employees	Human resources information (see above)
Clients	Contact details

	Take-on information in terms of the Financial Intelligence Centre Act, 2001 Details of services provided and fees charged Demographic information
Contractors	Contact details Details of services rendered and fees paid Demographic information

5.8.5 Purposes of processing:

Data subject category	Broad description of purposes of processing
Applicants for employment; employees; alumni	To carry out actions for the consideration of an application for employment; To carry out actions necessary for the performance of the employment contract; To ensure compliance with an obligation imposed by law on the company; To pursue the legitimate interests of the company or a third party to whom the information is supplied
Clients	To carry out actions necessary for the performance of the services contract; To ensure compliance with an obligation imposed by law on the company; To pursue the legitimate interests of the company or a third party to whom the information is supplied.
Contractors / service providers	To carry out actions necessary for the performance of the services contract; To ensure compliance with an obligation imposed by law on the company; To pursue the legitimate interests of the company or a third party to whom the information is supplied.
[Insert]	[insert]

5.8.6 Likely recipients:

Data subjects	Likely recipients
Applicants for employment; employees; alumni.	Human resources department Line management Exco
Clients	Marketing department Employees working on client mandates Exco
Contractors / Service providers	Exco Facilities management department

5.8.7 Planned transborder flows of personal information:

Yes	No
N/A	No

5.8.8 General description of information security measures:

Technical measures	Organisational measures
Password access to e mails	Available to Director and Financial Manager
Password access to financial statements	Available to Director and Financial Manager
Personnel information under lock and key	Available to Director and Human Resources

6. The Request Procedure

6.1 Form of request

- 6.1.1 A request for access to records held by the Company in terms of section 53 of PAIA must be made on the form contained in the Regulations regarding the Promotion of Access to Information (Form C). A copy of the form is attached as **Schedule B** to the Manual. The request must be made to the [information officer / deputy information officer] of the Company at the address, telefax number or e-mail address specified in paragraph 2 above.

- 6.1.2 The requester must provide sufficient detail on the prescribed form to enable the [information officer / deputy information officer] of the Company to identify the record and the identity of the requester. If a request is made on behalf of another person or entity, the requester must submit details and proof of the capacity in which the requester is making the request, which must be reasonably satisfactory to the [information officer / deputy information officer]. The requester is also required to indicate which form of access to the relevant records is required, and to provide her/his/its contact details in South Africa.
- 6.1.3 For the purposes of Form C, the requester must comply with all the procedural requirements in PAIA relating to a request for access to the relevant records.
- 6.1.4 The Company may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of PAIA. These grounds include: that access would result in the unreasonable disclosure of personal information about a third party, that it is necessary to protect the commercial information of a third party of the Company itself, that it is necessary to protect the confidential information of a third party, that it is necessary to protect the safety of individuals or property, that a record constitutes privileged information for legal proceedings, that it is necessary to protect the research information of a third party or the Company itself.
- 6.1.5 If all reasonable steps have been taken to find a record that a requester has requested, and there are reasonable grounds for believing that the record is in the Company's possession but cannot be found, or it does not exist, then the information officer or deputy information officer will, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to that record.
- 6.1.6 The Company is required to inform a requester in writing of its decision in relation to a request. If the requester wishes to be informed of the Company's decision in another manner as well, this must be set out in the request and the relevant details included in order to allow the Company to inform the requester in the preferred manner.
- 6.1.7 The Company will make a decision in relation to a request for records within 30 days of receiving it, unless a third party notification and intervention, as contemplated in Chapter 5 of PAIA, applies.

6.2 Fees

- 6.2.1 A requester who seeks access to records containing personal information about her/him/it, is not required to pay request fee. Requesters who earn less than R14,712.00 per year (if single) and R27,192 per year (if married or in a life partnership), do not have to pay access fees. In all other instances, a request fee at the prescribed rate is payable.
- 6.2.2 The fees for reproduction of information that is automatically available from the Company, referred to in paragraph 5.4 above (a section 52 request), are as follows:

(a)	For every photocopy of an A4-size page or part thereof	R1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0,75

(c)	For a copy in a computer-readable form on:	
	(i) Compact disk	R70.00
(d)	For a transcription of visual images, for an A4-size page or part thereof	R40.00
	(ii) For a copy of visual images	R60.00
(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof	R20.00
	(ii) For a copy of an audio record	R30.00

6.2.3 The request fee and fees for reproduction for information which needs to be requested in terms of PAIA and/or POPIA, referred to in paragraph 5.7 above (a section 53 request) are as follows:

	Request Fee	R50.00
(a)	For every photocopy of an A4-size page or part thereof	R1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable audio record form	R0,75
(c)	For copy in a computer-readable form on:	
	(i) compact disc	R70
(d)	(i) For a transcription of visual images, for an A4-size page or part thereof	R40
	(ii) For a copy of visual images	R60
(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof	R20
	(ii) For a copy of an audio record	R30

6.2.4 The request fee may be paid at the time a request is made or the person authorised to deal with such requests on Company's behalf may notify the requester that s/he/it needs to pay the request fee before processing the request any further. A requester may apply to the court to be exempted from the requirement to pay the request fee.

6.2.5 Where a request for access to a record or records held by the Company is granted, the requester also has to pay an access fee for the reproduction of the record or records, and for the search for and the preparation of the records for disclosure. The Company is entitled to withhold a record until the required access fees have been paid.

6.2.6 Persons who are requesting access to their personal information are exempt from paying a request fee but they are still required to pay the access fee and reproduction fee, if applicable.

6.2.7 In addition, if the search for and preparation of the record or records requested takes more than 6 hours, the Company may charge R30.00 for each hour or part thereof which is required for the search for and preparation of the records. The requester may make an application to the court to be exempted from the requirement to pay this deposit. If a deposit is made and access to the records requested is subsequently refused, the deposit will be repaid to the requester.

6.3 Remedies for refusal to request for information

6.3.1 *Internal remedy*

The Company does not have an internal appeal procedure. As such, the decision made by the information officer or deputy information officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the information officer or deputy information officer.

6.3.2 *External remedy*

Where a requester is not satisfied by a decision made by IO or DIO of the Company, s/he/it may apply to court for relief within 180 days of receiving the decision that has caused the grievance. The application can be made to a Magistrate's Court or High Court.

7. **Other information as may be prescribed**

Currently, the Regulations published in terms of PAIA, under Government Notice R187 in *Government Gazette* 23119 of 15 February 2002, set out, among other things, the fees which may be charged by private bodies for the reproduction of records (provided in the table above). No new Regulations have since been published and the last amendments to the Regulations were made in 2007.

8. **Availability of the Manual**

This Manual is available at the offices of the Company at the address set out in paragraph 2 above and copies are available from the SAHRC. With effect from 1 July 2021, it will be available from the Information Regulator, the (present) contact details for which are set out in paragraph 2 above.

9. **Acknowledgement**

The Manual has been based on an original template supplied by the SAHRC.

SCHEDULE A

AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:

(Section 52 of the Promotion of Access to Information Act, 2000)

(the PAIA)

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PAIA	MANNER OF ACCESS TO RECORDS (e.g. website) (SECTION 15(1)(b))
FOR INSPECTION IN TERMS OF SECTION 52(1)(a)(i):	
FOR PURCHASING IN TERMS OF SECTION 52(1)(a)(ii):	
FOR COPYING IN TERMS OF SECTION 52(1)(a)(ii)	
AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 52(1)(a)(ii)	

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000)

[Regulation 10]

A. Particulars of private body:

The Information Officer / Deputy Information Officer:

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: _____ ID: _____

Postal address: _____

Telephone number: _____ Fax number: _____

E-mail address: _____

Capacity 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

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. 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. 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 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: _____

NOTES:

Mark the appropriate box below 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 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 (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 / recording)		Transcription of soundtrack* (written or printed document)			
4. If record consists of recorded words or information which can be reproduced in sound					
Printed copy of record*		Printed copy of information derived from the record*		Copy in computer readable form* (compact disk or memory stick)	

* If you require a copy or transcription of record (above), do you wish the copy or transcription to be posted to you? **(yes / no)** _____ (postage is payable).

G. 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 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 within 30 days whether your request has been approved / denied. Such period may, in certain circumstances, be extended in terms of PAIA. 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?

Email	
Telephonically	
Other (specify)	

Signed at _____ this ____ day of _____ 20____

**SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE**