



PRE-FORM (PTY) LTD

**INFORMATION MANUAL PREPARED IN TERMS OF SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT (ACT 2 OF 2000)**

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1. Introduction

This manual is published in terms of Section 51 of the Promotion of Access to Information Act, Act No.2 of 2000 ("PAIA"). The Act gives effect to the provisions of Section 32 of the Constitution of South Africa, which provides that "everyone has the right of access to any information held by another person and that is required for the exercise and / or protection of any right". Where a request is made in terms of the Act, the body to which the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released.

The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such requested information, other than in terms of the Act.

It is important to note that the Act recognises certain limitations to the right of access to information, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective and good governance, and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution. Any request for access to information may be refused on the grounds as set out in Chapter 4 of Part 3 of the Act.

2. Interpretation

In this document, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention –

- 2.1 an expression which denotes -
 - 2.1.1 any gender includes the other genders;
 - 2.1.2 a natural person includes an artificial or juristic person and vice versa;
 - 2.1.3 the singular includes the plural and vice versa;
- 2.2 the following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings -
 - 2.2.1 "this document" - this document together with all of its annexures, as amended from time to time;
 - 2.2.2 "the company" –Werksmans Incorporated;
 - 2.2.3 "the Act" - Promotion of Access to Information Act No. 2 of 2000, as amended from time to time including the regulations promulgated in terms of the Act;
 - 2.2.4 "Information Officer" - the person duly authorised by the head of the company and appointed by the company to facilitate or assist the head of the company with any request in terms of the Act.
- 2.3 any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;
- 2.4 if any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this document;
- 2.5 where any term is defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this document;
- 2.6 where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day

shall be deemed to be the next succeeding day which is a business day;

- 2.7 any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months or years, as the case may be;
- 2.8 insofar as there is a conflict in the interpretation of or application of this document and the Act, the Act shall prevail;
- 2.9 this document does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Act. A requester is advised to familiarise his/her/itself with the provisions of the Act before lodging any request with the company.

3. Aim

To facilitate the requests for access to records of the company as provided for in the Act.

4. Particulars in terms of Section 51

Company Name	Pre-form (Pty) Ltd
Registration Number	1996/017412/07
Postal Address	PO Box 1182, Silverton, 0127
Physical Address	1 Aambeeld Street, Silvertondale X1, 0184
Telephone Number	(012) 804 2607
Fax Number	(012) 804 9119
Website	www.preform.co.za
Information Officer	Cornelis Vermaak corne@preform.co.za
Deputy Information Officer	Anthony Brink anthony@preform.co.za
Deputy Information Officer	Juanita Janse van Rensburg juanita@preform.co.za

5. Human Rights Commission (“HRC”) Guide

The South African Human Rights Commission (“SAHRC”) published a “Guide on how to use the Promotion of Access to Information Act 2 of 2000” which is available on the SAHRC website www.sahrc.org.za. Queries are to be directed to The South African Human Rights Commission:

Division	PAIA Unit
Postal Address	Private Bag 2700, Houghton, 2041
Telephone Number	+27 11 877 3600
Fax Number	+27 11 484 7146
Wed Address	www.sahrc.org.za
Email Address	paia@sahrc.org.za

6. Records that are automatically available to either employees only or the general public and employees

- 6.1 The following records are automatically available to all employees and need not be requested in accordance with the procedure outlined in paragraph 10:
- 6.1.1 personnel records are available to the employee whose file it is;
- 6.1.2 records of disciplinary hearings and related matters are available to the employee concerned;
- 6.1.3 the company's policies and procedures manual; and
- 6.1.4 the company's document format manual.

- 6.2 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 paragraph 9 -
- 6.2.1 the company's employment equity plan;
 - 6.2.2 the company's skills development plan.

7. Other types of records held by the company as contemplated in section 51(1)(c)

No notice has been submitted by the company to the Minister of Justice and Constitutional Development regarding the categories of records, which are available without a person having to request access in terms of Section 52(2) of PAIA. However, the information accessible on www.preform.co.za is automatically available without having to request access in terms of PAIA.

8. Records held by the company in terms of other legislation as contemplated in section 51(1)(d) of the Act

The following records are kept in accordance with legislation and are not automatically available without a request in terms of the Act:

- Basic Conditions of Employment Act, No. 75 of 1997;
- Broad Based Black Economic Empowerment Act, No. 53 of 2003;
- Companies Act, No. 71 of 2008;
- Compensation for Occupational Injuries and Health Diseases Act, No. 130 of 1993;
- Employment Equity Act, No. 55 of 1998;
- Income Tax Act, No. 95 of 1967;
- Labour Relations Act, No. 66 of 1995;
- Occupational Health & Safety Act, No. 85 of 1993;
- Promotion of Access to Information Act, No. 2 of 2000;
- Protection of Personal Information Act, No. 4 of 2013;
- Skills Development Act, No. 97 of 1998;
- Skills Development Levies Act, No. 9 of 1999;
- Unemployment Contributions Act, No. 4 of 2002;
- Unemployment Insurance Act, No. 63 of 2001; and
- Value Added Tax Act, No. 89 of 1991

9. Categories of records held in terms of section 51(1)(e)

The following are the subject and categories of records held. Please note that a requester is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the Act:

9.1 Human resources

- Personal records of the personnel;
- Employment contracts;
- Medical aid records;
- Pension fund and retirement benefit records;
- Disciplinary records;
- Payroll records;
- Training records;
- Correspondence relating to personnel;
- Leave records;
- UIF Returns; and
- Internal policies and procedures

9.2 Secretarial

- Memorandum and Articles of Association;
 - Minutes of the Board of Directors;
 - Shareholder's agreements;
 - Company Register;
 - Records relating to the appointment of directors / auditors;
 - Share Certificates;
 - Resolutions; and
 - Minute book
- 9.3 Financial and administration
- VAT Records;
 - PAYE records;
 - Fixed asset register;
 - Banking records;
 - UIF Records;
 - Management reports;
 - Invoices; and
 - Debtors and creditors information
- 9.4 Information Management and Technology
- Services Level Agreements;
 - Equipment Register;
 - Policies, Procedures and guidelines;
 - Network security; and
 - Licensing agreements
- 9.5 Marketing and communication
- Marketing strategies;
 - Communications strategies; and
 - Agreements
- 9.6 Operations
- Access control records;
 - Archival Administration Documentation;
 - Insurance (insurance arrangements, policies and claims);
 - Asset register; and
 - BBBEE Statistics
- 9.7 Safety Records
- Safety manuals;
 - Occupational Health and Safety records; and
 - Records of incidents in the workplace
- 9.8 Customer / Clients and third parties related records
- Contracts with Clients;
 - Any records the Client has provided to Pre-form or a third party acting for or on behalf of Pre-form;
 - Records, reports, designs and the like generated by Pre-form for their clients; and
 - Records generated pertaining to the Client, including transactional records
- 9.9 Other records
- Legal proceedings records

10. Process of requesting information not automatically available in terms of section 51(1)(e)

- 10.1 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.
- 10.2 The prescribed form shall be submitted to the Information Officer / Deputy Information Officers at the address, fax number or e-mail addresses.
- 10.3 The same procedure as set out in 10.1 and 10.2 applies if the requester is requesting information on behalf of another person or on behalf of a permanent employee of the company.
- 10.4 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.
- 10.5 The requester will be notified of the decision of the Head of the Company or the Information Officer in the manner indicated by the requester.
- 10.6 If the request is granted, the requester shall be informed by the Head of the Company or the Information Officer in the manner indicated by the requester in the prescribed form.
- 10.7 Notwithstanding the aforementioned, the company will advise the requester in the manner stipulated by the requester in the prescribed form of:
 - 10.7.1 the access fee to be paid for the information (in accordance with paragraph 11);
 - 10.7.2 the format in which access will be given; and
 - 10.7.3 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.
- 10.8 After access is granted, actual access to the record requested will be given as soon as reasonably possible.
- 10.9 If the request for access is refused, the Head of the Company or the Information Officer shall advise the requester in writing of the refusal. The notice of refusal shall state -
 - 10.9.1 adequate reasons for the refusal;
 - 10.9.2 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.
- 10.10 Upon the refusal by the Head of the Company or the Information Officer, the deposit paid by the requester will be refunded.
- 10.11 If the Head of the Company or the Information 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 Information Officer has refused the request.
- 10.12 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 -
 - 10.12.1 the request is for a large number of records;
 - 10.12.2 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;
 - 10.12.3 consultation among divisions or departments, as the case may be, of the company is required;
 - 10.12.4 the requester consents to such an extension in writing; and

10.12.5 the parties agree in any other manner to such an extension.

10.13 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.

10.14 The requester may lodge an appeal with a court of competent jurisdiction against any extension or against any procedure set out in this section.

11. Fees payable

11.1 The fees for reproduction of a record as referred to in section 52(3) are as follows:

for every photocopy of an A4 size page or part thereof	R1.10
for every printed copy of an A4-size page or part thereof	R0.75
for a copy of a compact disc	R70.00
for a transcript of visual images for an A4 size page or part thereof	R40.00
for a copy of visual images	R60.00
for a transcript of an audio record, for an A4-size page or part thereof	R20.00
for a copy of an audio record	R30.00

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

11.3 If the Head of the Company or if the Information 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.

12. Remedies available when Pre-form (Pty) Ltd. refuses a request for information

12.1 Internal Remedies

Pre-form (Pty) Ltd. does not have an internal appeal procedure. As such, the decision made by the Information Officer is final, and the requester will have to exercise such external remedies at their disposal if the request for information is refused, or the fees payable, or is unhappy with the quality of information provided, or the requester is not satisfied with the answer supplied by the Information Officer.

12.2 External Remedies

A requester that is dissatisfied with an Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief. Likewise, a third party dissatisfied with an Information Officer's decision to grant a request for information, may within 180 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

12.3 Availability of this Manual

12.3.1 This manual is available for inspection by the general public upon request, during office hours and free of charge at the physical address of Pre-form (Pty) Ltd.

12.3.2 Copies may also be requested from the SAHRC.

12.3.3 This manual is also published on Pre-form (Pty) Ltd website referred to above.

13. Information or records not found

13.1 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 Information Officer shall notify the requester, by way of an affidavit or affirmation, that it is not possible to give access

to the requested record.

- 13.2 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 Information Officer with every person who conducted the search.
- 13.3 The notice, as set out in 12.1, shall be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.
- 13.4 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 Information Officer.
- 13.5 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.

14. Information requested about a third party

- 14.1 Section 71 of the Act makes provision for a request for information or records about a third party.
- 14.2 In considering such a request, the company will adhere to the provisions of sections 71 to 74 of the Act.
- 14.3 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.


15. Updating of manual

- 15.1 The company may update this manual annually or at such intervals as may be necessary.

16. Approval

Name: Cornelis Tobias Vermaak

Designation: Managing Director

Signature: 

Date: 30/06/2021

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 public body

The Head (name of body): _____

B. Particulars of person requesting access to the record

- (a) *The particulars of the person who requests access to the record must be recorded below.*
(b) *The address and/or fax number in the Republic to which information must be sent.*
(c) *Proof of the capacity in which the request has been 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:

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.**

- 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, 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 the 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 the exemption of the payment of any fee, please state the reason for exemption.

Reason for the exemption from payment of fees: _____

F. Form of access to record

If you are prevented by disability to read, view of 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.

Disability:	Form in which record is required:

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 the 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 the 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?	YES	NO
Postage is payable.		

F. 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.***

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:

G. 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 _____.

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE