

**PROMOTION OF ACCESS TO INFORMATION ACT
MANUAL FOR**

WILSON BAYLY HOLMES-OVCON LIMITED
And the WBHO Group

**PREPARED IN ACCORDANCE WITH SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT**

Revised: 26 March 2019

1. INTRODUCTION

- 1.1 This manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000 – “the Act”) and section 23 -25 of the Protection of Personal Information Act No.4 of 2014 (“POPI”). 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 for the information may or must not be released.
- 1.2 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.
- 1.3 It is important to note that the Act recognizes 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. In addition, in compliance with POPI a responsible party who processes personal information must notify the person to whom personal information relates (“Data Subject”) of the manner in which the Data Subject can access their personal information held by the responsible.

2. PURPOSE

- 2.1. The purpose of this manual is to facilitate requests for access to records (including records containing Personal Information (as defined in POPI) of Wilson Bayly Holmes-Ovcon (WBHO) and its South African registered subsidiaries.

The subsidiaries, as listed on annexure 1, together with WBHO Limited shall be collectively referred to as “WBHO Group” for the purposes of this manual.

- 2.2. Where this Manual does not deal with a procedure provided for in PAIA, the Requester or any other interested party is to look at the Act for guidance in relation thereto. Same is to be included as part of the Manual.
- 2.3. A person requesting access to records from WBHO (“the Requester”) is advised to familiarise themselves with the provisions of PAIA before making any requests to WBHO in terms of PAIA.
- 2.4. WBHO makes no representation and gives no undertaking or warranty that any record(s) provided by it to a Requester is complete or accurate, or that such record is fit for any purpose. All users of such records shall use such records entirely at their own risk, and WBHO shall not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this Manual or of any record provided by WBHO or any error therein.
- 2.5. All users and Requesters irrevocably agree to submit to the law of the Republic of South Africa and to the exclusive jurisdiction of the Courts of South Africa in respect of any dispute arising out of the use of this Manual or any records provided by WBHO.
- 2.6 The Information Officer named below is appointed in respect of the WBHO Group as a whole and in respect of each of the private bodies constituting the WBHO Group.

3. INFORMATION REQUIRED UNDER SECTION 51(1)(a) OF THE ACT: CONTACT DETAILS

Name of private body	:	WBHO GROUP
Information Officer (IO)	:	Shereen Vally-Kara (The Secretariat Department)
Email address of IO	:	Shereenv@wbho.co.za
Deputy IO	:	Samuel Noel Gumede
Email address of deputy IO	:	Samuelg@wbho.co.za
Postal address	:	P.O Box 531, Bergvlei 2012
Physical address	:	53 Andries St, Wynberg Sandton 2012
Phone number	:	011 321 7200
Fax number	:	011 887 4364
Website	:	www.wbho.co.za

4. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(b)

4.1 A guide has been prepared by the South African Human Rights Commission in accordance with Section 10 of the Act. The guide contains such information as may be reasonably required by a person who wishes to exercise any right contemplated in the Act.

4.2 This guide is available from the SAHRC at their address as detailed below:

Division	:	PAIA UNIT
Physical address	:	Braampark Forum 3 33 Hoofd Street, Braamfontein
Phone number	:	011 877 3600
Fax number	:	011 403 0668
Email	:	paia@sahrc.org.za
Website	:	www.sahrc.org.za

5. CATEGORIES OF INFORMATION AVAILABLE WITHOUT REQUEST IN TERMS OF SECTION 51(1)(c)

5.1 No notice in terms of Section 52(2) of the Act, regarding the categories of records of WBHO Group which are available without request has been published.

5.2 The information as regarding WBHO Group is accessible at www.wbho.co.za without request. The website contains various categories of information relating to WBHO Group.

6. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(d)

WBHO Group keeps records in accordance with the following legislation, all of which are available, subject to such legislation and the Act:

- Basic Conditions of Employment Act, No. 75 of 1997
- 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
- 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
- Value Added Tax Act, No. 89 of 1991

7. CATEGORIES OF RECORDS HELD IN TERMS OF SECTION 51(1)(e)

The following are the subject and categories of records held:

7.1 Human resources

- Personal records of the personnel
- Employments contracts
- Medical Aid records
- Pension fund and retirement benefit records
- Disciplinary records
- Salary records
- Training Records
- Correspondence relating to personnel
- Leave records
- UIF Returns
- Internal policies and procedures

7.2 Secretarial

- Memorandum of Incorporation
- Minutes of the Board of Directors
- Shareholders agreements
- Company Register
- Records relating to the appointment of directors/auditors
- Share Certificates
- Resolutions
- Minute Book

7.3 Financial and administration

- VAT Records
- PAYE records
- Fixed asset register
- Banking records
- UIF Records
- Management reports
- Invoices
- Debtors and creditors information

7.4 Information Management and Technology

- Services Level Agreements
- Equipment Register
- Policies, Procedures and guidelines
- Licensing agreements

7.5 Marketing and communication

- Marketing strategies
- Communications strategies
- Agreements

7.6 Operations

- Access control records
- Archival Administration Documentation
- Insurance (insurance arrangements, policies and claims)
- Asset register
- BEE Statistics

7.7 Safety Records

- Safety manuals
- Occupational Health and Safety records
- Records of incidents in the workplace

7.7 Customer/Clients and third parties related records

- Contracts with Clients
- Any records the Client has provided to WBHO Group or a third party acting for or on behalf of WBHO Group

- Records, reports, designs and the like generated by WBHO Group for their clients
- Records generated pertaining to the Client, including transactional records

7.8 Other records

- Legal proceedings records

8. DETAILS ON HOW TO MAKE REQUESTS FOR ACCESS TO RECORDS HELD BY THE COMPANY: SECTION 51(1)(e)

- 8.1 A requester requiring access to information held the WBHO Group must complete the prescribed form available from SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za), and submit it to the Information Officer at the address, fax number or electronic mail address provided for above, and also make the payment of the prescribed fees.
- 8.2 In terms of section 23(1) of POPI, adequate proof of identity is required from the Requestor/Data Subject. Therefore in addition to the prescribed access form, the Requestor will be required to supply a certified copy of their identification document or any other legally acceptable form of identification.
- 8.3 The prescribed form must be completed with enough particularity to enable the Information Officer to identify:
- 8.3.1 the record(s) requested;
 - 8.3.2 the identity of the requester;
 - 8.3.3 indicate which form of access is required, if the request is granted;
 - 8.3.4 specify the postal address or fax number of the request in the Republic.
- 8.4 The requester must state that which right she or he is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of such right.
- 8.5 The requester will be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any manner, she or he must state the manner and the particulars so required.

- 8.6 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- 8.7 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 8.8 WBHO Group will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.
- 8.9 In line with section 23(1)(a) of POPI, a Data Subject (i.e. personal requestor) has a right to request WBHO to confirm, free of charge, whether or not WBHO holds personal information about the Data Subject.
- 8.10 In accordance with Section 23(3) of the POPI, WBHO may charge an access fee to the Data Subject to enable WBHO to respond to the request. In such instances WBHO must provide the Data Subject with a written estimate of the fee before providing the services.

9. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main reason why WBHO Group may refuse a request for information relates to the –

- 9.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person (section 63);
- 9.2 mandatory protection of the commercial information of a third party, if the record contains –
- 9.2.1 trade secrets of that third party;
- 9.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;

- 9.2.3 information disclosed in confidence by a third party to WBHO Group, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition (section 64);
- 9.3 mandatory protection of the safety of individuals and the protection of property (section 66);
- 9.4 mandatory protection of confidential information of third parties if it is protected in terms of any agreement (section 67);
- 9.5 mandatory protection of records which would be regarded as privileged in legal proceedings (section 67);
- 9.6 the commercial activities of WBHO Group, which may include –
 - 9.6.1 trade secrets of WBHO Group;
 - 9.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of WBHO Group;
 - 9.6.3 information which, if disclosed could put WBHO Group at a disadvantage in negotiations or commercial competition;
 - 9.6.4 a computer program which is owned by WBHO Group, and which is protected by copyright (section 68);
- 9.7 requests for information that is clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

10. REMEDIES AVAILABLE WHEN WBHO GROUP REFUSES A REQUEST FOR INFORMATION

10.1 Internal Remedies

WBHO Group does not have an internal appeal procedure. As such, the decision made by the Information Officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the Information Officer.

10.2 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 30 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.

10.3 Availability of this Manual

- 10.1 This manual is available for inspection by the general public upon request, during office hours and free of charge at the physical address of WBHO Group.
- 10.2 Copies may also be requested from the SAHRC.
- 10.3 This manual is also published on WBHO Group website referred to above.

Annexure 1

Subsidiaries

WBHO Construction (Pty) Ltd
WBHO Industrial Holdings (Pty) Ltd
Akani Investment Holdings (Pty) Ltd
Insitu Pipelines (Pty) Ltd
Renniks Construction (Pty) Ltd
Roadspan Surfaces (Pty) Ltd
Simbithi Eco-Estate (Pty) Ltd
St Francis Golf Links (Pty) Ltd
WBHO Building Energy (Pty) Ltd
Capital Africa Steel (Pty) Ltd
SCE Construction (Pty) Ltd
WBHO Property Development (Pty) Ltd
WBHO Broad-Based Share Incentive Trust
The WBHO Management Trust
WBHO Share Trust
Balmoral Crushers (Pty) Ltd
Tekfalt Binders (Pty) Ltd
Bigen WBHO Housing (Pty) Ltd
VSL Construction Solutions (Pty) Ltd
Lot 19237 Pinetown (Pty) Ltd
Ikusasa Rail Africa (Pty) Ltd