



PAIA AND POPIA MANUAL

WBHO

GENERAL
COMPANY
MANUAL



	Promotion of Access to Information Act (PAIA) & Protection of Personal Information Act (POPIA) Manual	Doc No.:	MAN-GEN 002
		Rev. No.:	00
		Rev. Date:	03/08/2021

TABLE OF CONTENTS

1	PURPOSE	4
2	INTRODUCTION	4
3	ABBREVIATIONS & DEFINITIONS.....	5
4	INFORMATION REQUIRED UNDER SECTION 51(1)(A) AND SECTION 10(1)(B) I.T.O. THE PAIA: ...	5
4.1	Contact details of the Chief Executive Officer Section 51(1)(a) of the PAIA.....	5
4.2	Contact details of the Information Officer Section 102b of the PAIA.....	5
5	DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(B) OF THE PAIA	5
6	CATEGORIES OF INFO AVAILABLE WITHOUT REQUEST I.T.O. SECTION 51(1)(C) OF THE PAIA.....	6
7	RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(D) OF THE PAIA.....	6
8	CATEGORIES OF RECORDS HELD IN TERMS OF SECTION 51(1)(E) OF THE PAIA	7
9	DETAILS ON HOW TO MAKE REQUESTS FOR ACCESS TO RECORDS HELD BY THE COMPANY: SECTION 51(1)(E) OF THE PAIA.....	9
10	DECISION ON REQUEST	10
11	GROUND FOR REFUSAL OF ACCESS TO RECORDS.....	10
12	REMEDIES AVAILABLE WHEN WBHO GROUP REFUSES A REQUEST FOR INFORMATION.....	11
12.1	Internal Remedies	11
12.2	External Remedies.....	11
12.3	Availability of this Manual.....	11
13	ACCESS TO RECORDS HELD BY THE WBHO GROUP	11
14	REFERENCES	12

LIST OF TABLES

Table 1: Relevant South Africa Legislation.....	6
Table 2: Subject & Categories of records held	7
Table 3: List of Subsidiaries	12

	Promotion of Access to Information Act (PAIA) & Protection of Personal Information Act (POPIA) Manual	Doc No.:	MAN-GEN 002
		Rev. No.:	00
		Rev. Date:	03/08/2021

1 PURPOSE

The purpose of this manual is to facilitate requests for access to records (including records containing Personal Information (as defined in the Protection of Personal Information Act No. 4 of 2013 ("POPI")) of Wilson Bayly Holmes-Ovcon (WBHO) and its South African registered subsidiaries (as listed under Section 13 , Table 3: List of Subsidiaries), associated companies and joint ventures that are effectively controlled by WBHO, directly or indirectly ("WBHO Group").

Where this Manual does not deal with a procedure provided for in PAIA and POPIA , a requester or any other interested party is to look at the PAIA and/or POPIA for guidance in relation thereto. The applicable provisions of these Act's shall be deemed to be incorporated as part of this Manual.

Persons requesting access to records from the WBHO Group ("the Requester") and other Requesters referred to in paragraph 13 below, are advised to familiarise themselves with the provisions of PAIA before making any requests to the WBHO Group.

The WBHO Group 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 the WBHO Group 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 the WBHO Group or any error therein.

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 the Republic of South Africa in respect of any dispute arising out of the use of this Manual or any records provided by the WBHO Group.


The Information Officer named below is appointed in respect of the WBHO Group as a whole.

2 INTRODUCTION

This Manual is published in terms of Section 51 of the PAIA and to address the requirements of the POPIA. The PAIA gives effect to the provisions of Section 32 of the Bill of Rights contained in the Constitution of South Africa 108 of 1996 (the "Constitution"), 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 PAIA, the body to which the request is made is obliged to release the information, except where the PAIA 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 PAIA does not create any right or entitlement (contractual or otherwise) to receive such requested information, other than in terms of the PAIA.

It is important to note that the PAIA 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 Constitution's Bill of Rights. Any request for access to information may be refused on the grounds as set out in Chapter 4 of Part 3 of the PAIA. In addition, in compliance with POPIA, 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 party.

	Promotion of Access to Information Act (PAIA) & Protection of Personal Information Act (POPIA) Manual	Doc No.:	MAN-GEN 002
		Rev. No.:	00
		Rev. Date:	03/08/2021

3 ABBREVIATIONS & DEFINITIONS

PAIA	Promotion of Access to Information Act
POPIA	Protection of Personal Information Act
Requestor	A person requesting access to records from WBHO
SAHRC	South African Human Rights Commission

4 INFORMATION REQUIRED UNDER SECTION 51(1)(A) AND SECTION 10(1)(B) IN TERMS OF THE PAIA:

4.1 Contact details of the Chief Executive Officer Section 51(1)(a) of the PAIA


Chief Executive Officer:	Wolfgang Peter Neff
Registered Address:	53 Andries St, Wynberg Sandton 2012
Postal Address:	P.O Box 531, Bergvlei 2012
Telephone number:	011 321 7200
Website:	www.wbho.co.za

4.2 Contact details of the Information Officer Section 102b of the PAIA

Name Of Private Body:	WBHO GROUP
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
Information Officer (IO):	Donna Msiska (The Secretariat Department)
Email Address Of IO:	donna.msiska@wbho.co.za
Deputy IO:	Samuel Noel Gumede
Email Address Of Deputy IO:	Samuel.Gumede@wbho.co.za

5 DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(B) OF THE PAIA

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

	Promotion of Access to Information Act (PAIA) & Protection of Personal Information Act (POPIA) Manual	Doc No.:	MAN-GEN 002
		Rev. No.:	00
		Rev. Date:	03/08/2021

The 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

6 CATEGORIES OF INFORMATION AVAILABLE WITHOUT REQUEST IN TERMS OF SECTION 51(1)(C) OF THE PAIA

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


The WBHO Group's information is accessible at www.wbho.co.za without request. The website contains various categories of information relating to the WBHO Group.

7 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(D) OF THE PAIA

Records are available in accordance with the following current South African legislation and any amendments thereof and regulations thereto (only to the extent that the PAIA is applicable, and which therefore makes disclosure of records compulsory):

Table 1: Relevant South Africa Legislation

#	Act	Reference
1.	Auditing Professions Act	No. 26 of 2005
2.	Basic Conditions of Employment Act	No. 75 of 1997
3.	Broad-Based Black Economic Empowerment Act	No. 53 of 2003
4.	Companies Act	No. 71 of 2008
5.	Compensation for Occupational Injuries and Health Diseases Act	No. 130 of 1993
6.	Competition Act	No. 89 of 1998
7.	Constitution of the Republic of South Africa 2008	No. 108 of 1996
8.	Customs & Excise Act	No. 91 of 1964
9.	Electronic Communications Act	No 36 of 2005
10.	Electronic Communications and Transactions Act	No 25 of 2002
11.	Employment Equity Act	No. 55 of 1998
12.	Financial Intelligence Centre Act	No 38 of 1997
13.	Hazardous Substances Act	No 15 of 1973
14.	Income Tax Act	No. 58 of 1962
15.	Labour Relations Act	No. 66 of 1995

	Promotion of Access to Information Act (PAIA) & Protection of Personal Information Act (POPIA) Manual	Doc No.:	MAN-GEN 002
		Rev. No.:	00
		Rev. Date:	03/08/2021

#	Act	Reference
16.	National Environment Management Act	No. 107 of 1998
17.	National Environmental Management: Air Quality Act	No. 39 of 2004
18.	National Environmental Management: Waste Act	No. 59 of 2008
19.	Occupational Health & Safety Act	No. 85 of 1993
20.	Promotion of Access to Information Act	No. 2 of 2000
21.	Protection of Personal Information Act	No. 4 of 2013
22.	Skills Development Levies Act	No. 9 of 1999
23.	Short-term Insurance Act	No. 53 of 1998
24.	Unemployment Contributions Act	No. 4 of 2002
25.	Value Added Tax Act	No. 89 of 1991


Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a Requestor access on a basis other than as set out in PAIA, we shall update the list accordingly. If a Requester believes that a right of access to a record exists in terms of other legislation over and above the legislation listed above, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof. It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this Manual and the PAIA.

8 CATEGORIES OF RECORDS HELD IN TERMS OF SECTION 51(1)(E) OF THE PAIA


The following categories of records are automatically available without a person having to request access in terms of PAIA:

Table 2: Subject & Categories of records held

Category	Records
Human Resources	<ul style="list-style-type: none"> • Personal Records of the Personnel • Employments Contracts • Medical Aid Records • Pension Fund & Retirement Benefit Records • Disciplinary Records • Salary Records • Training Records • Correspondence Relating to Personnel • Leave Records • UIF Returns • Internal Policies & Procedures

	Promotion of Access to Information Act (PAIA) & Protection of Personal Information Act (POPIA) Manual	Doc No.:	MAN-GEN 002
		Rev. No.:	00
		Rev. Date:	03/08/2021

Category	Records
Secretarial	<ul style="list-style-type: none"> • Memorandum of Incorporation • Minutes of the Board of Directors's Meetings • Minutes of the Shareholders' Meetings • Shareholders Agreements • Company Register • Minute Book • Records relating to the Appointment of Directors/Auditors • Share Certificates • Resolutions
Financial and Administration	<ul style="list-style-type: none"> • VAT Records • PAYE Records • Fixed Asset Register • Banking Records • UIF Records • Management Reports • Invoices • Debtors & Creditors Information
Information Management and Technology	<ul style="list-style-type: none"> • Services Level Agreements • Equipment Register • Policies, Procedures & Guidelines • Licensing Agreements • Communications Strategies • Agreements
Operations	<ul style="list-style-type: none"> • Access control records • Archival Administration Documentation • BEE Statistics • Insurance (insurance arrangements, policies and claims) • Asset register
Safety Records	<ul style="list-style-type: none"> • Safety manuals • Occupational Health and Safety records • Records of incidents in the workplace
Customer/Clients and Third Parties Related Records	<ul style="list-style-type: none"> • Contracts with Clients • Any records the Client has provided to WBHO Group or a third party acting for or on behalf of WBHO Group

	Promotion of Access to Information Act (PAIA) & Protection of Personal Information Act (POPIA) Manual	Doc No.:	MAN-GEN 002
		Rev. No.:	00
		Rev. Date:	03/08/2021

Category	Records
	<ul style="list-style-type: none"> Records, reports, designs and the like generated by WBHO Group for their clients Records generated pertaining to the Client, including transactional records
Other records	<ul style="list-style-type: none"> Legal proceedings records.

9 DETAILS ON HOW TO MAKE REQUESTS FOR ACCESS TO RECORDS HELD BY THE COMPANY: SECTION 51(1)(E) OF THE PAIA

A Requester requiring access to information held by the WBHO Group must complete the prescribed form available from the websites of the SAHRC (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za), and submit such prescribed form to the Information Officer at the address, fax number or electronic mail address provided for above, and also make the payment of any prescribed fees, if necessary.

In terms of section 23(1) of POPIA, adequate proof of identity is required from the Requestor/Data Subject. Accordingly, the prescribed access form must be accompanied by a certified copy of the Requestor's/Data Subject's identification document or any other legally acceptable form of identification.

The prescribed form must be completed with enough particularity to enable the Information Officer to identify:

1. the record(s) requested;
2. the identity of the Requester/Data Subject;
3. indicate which form of access is required, if the request is granted;
4. specify the postal address or fax number of the request in the Republic of South Africa.

The Requester/Data Subject must state 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.


The Requester/Data Subject will be informed in writing whether access has been granted or denied. If, in addition, the Requester/Data Subject requires the reasons for the decision in any manner, she or he must state the manner and the particulars so required.

If a request is made on behalf of another person, then the Requester/Data Subject must submit proof of the capacity in which the Requester/Data Subject is making the request to the reasonable satisfaction of the Information Officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

The WBHO Group will process the request within 30 days, unless the Requester/Data Subject has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.

In line with section 23(1)(a) of POPIA, a Data Subject has a right to request the WBHO Group to confirm, free of charge, whether or not WBHO holds personal information about the Data Subject.

	Promotion of Access to Information Act (PAIA) & Protection of Personal Information Act (POPIA) Manual	Doc No.:	MAN-GEN 002
		Rev. No.:	00
		Rev. Date:	03/08/2021

In accordance with Section 23(3) of the POPIA, the WBHO Group may charge an access fee to the Data Subject to enable the WBHO Group to respond to the request. In such instances the WBHO Group must provide the Data Subject with a written estimate of the fee before providing the services.


10 DECISION ON REQUEST

The Requester will be informed whether or not the application for access has been denied, or granted. In the event that the application is refused, the Requester will be given adequate reasons for the refusal and will be informed that the Requester may lodge an application with a Court (if a PAIA request) or the Information Regulator (if a POPIA) against the refusal of the application, as well as the procedure (including the period) for lodging such application.

11 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

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

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 of the PAIA);
2. mandatory protection of the commercial information of a third party, if the record contains–
 - trade secrets of that third party;
 - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - information disclosed in confidence by a third party to the WBHO Group, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition (Section 64 of the PAIA);
3. mandatory protection of confidential information of third parties if it is protected in terms of any agreement (Section 65 of the PAIA);
4. mandatory protection of the safety of individuals and the protection of property (Section 66 of the PAIA);
5. mandatory protection of records which would be regarded as privileged in legal proceedings (Section 67 of the PAIA);
6. the commercial activities of the WBHO Group, which may include –
 - trade secrets of the WBHO Group;
 - financial, commercial, scientific or technical information which disclosure of, could likely cause harm to the financial or commercial interests of the WBHO Group;
 - information which, if disclosed could put the WBHO Group at a disadvantage in negotiations or commercial competition;
 - a computer program which is owned by the WBHO Group, and which is protected by copyright
 - non-preliminary information about the results of any product or environmental testing (Section 68 of the PAIA).

	Promotion of Access to Information Act (PAIA) & Protection of Personal Information Act (POPIA) Manual	Doc No.:	MAN-GEN 002
		Rev. No.:	00
		Rev. Date:	03/08/2021

7. the research information (Section 69) of the WBHO Group or a third party, if its disclosure would disclose the identity of the WBHO Group, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
8. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
9. All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
10. If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the Requestor that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the PAIA. If the record should later be found, the Requester shall be given access to the record in the manner stipulated by the WBHO Group in the prescribed form, unless the Information Officer refuses access to such record.

12 REMEDIES AVAILABLE WHEN WBHO GROUP REFUSES A REQUEST FOR INFORMATION

12.1 Internal Remedies

The 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.

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 30 days of notification of the decision, apply to a Court for relief.

For purposes of the PAIA, 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

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 the WBHO Group stipulated in paragraph 4.2 above.
2. Copies of this Manual may also be requested from the SAHRC.
3. This Manual is also published on the WBHO Group website referred to above.

13 ACCESS TO RECORDS HELD BY THE WBHO GROUP

Prerequisites for access by personal/other requester:

- Records held by the WBHO Group may be accessed by requests only once the prerequisite requirements stipulated in this Manual have been met


	Promotion of Access to Information Act (PAIA) & Protection of Personal Information Act (POPIA) Manual	Doc No.:	MAN-GEN 002
		Rev. No.:	00
		Rev. Date:	03/08/2021

- There are two types of Requesters:
 - Personal Requester
 - A personal Requester is a Requester who is seeking access to a record containing personal information about the Requester
 - The WBHO Group will voluntarily provide the requested information, or give access to any record with regard to the Requester's personal information. The prescribed fee for reproduction of the information requested will be charged.
 - Other Requester:
 - This Requester (other than a personal Requester) is entitled to request access to information on third parties.
 - In considering such a request, the WBHO Group will adhere to the provisions of the PAIA. Section 71 requires that the Information Officer take all reasonable steps to inform a third party to whom the requested record relates of the request, informing him/her/they that he/she/they may make a written or oral representation to the Information Officer why the request should be refused or, where required, give written consent for the disclosure of the information.
 - The WBHO Group is not obliged to voluntarily grant access to such records. The Requester must fulfil the prerequisite requirements, in accordance with the requirements of the PAIA and as stipulated in Chapter 5 of Part3, including the payment of a request and access fee.

14 REFERENCES

Table 3: List of Subsidiaries

LIST OF SUBSIDIARIES	
Entity	Registration number
WBHO Construction (Pty) Ltd	1983/011953/07
Akani Investment Holdings (Pty) Ltd	2006/011442/07
Insitu Pipelines (Pty) Ltd	2006/037046/07
Simbithi Eco-Estate (Pty) Ltd (sale of Simbithi ongoing)	2002/029808/07
St Francis Golf Links (Pty) Ltd	1998/009425/07
SCE Construction (Pty) Ltd (De-registration process)	1997/005306/07
WBHO Broad-Based Employee Share Incentive Trust	IT 9799/06
WBHO Share Trust	IT5167/96
Tekfalt Binders (Pty) Ltd	2014/002193/07
VSL Construction Solutions (Pty) Ltd	2002/020113/07
Ikusasa Rail Africa (Pty) Ltd	2008/025062/07
Reinforcing and Mesh Solutions (KZN) (Pty) Ltd	2002/029004/07
Rebarworx (Pty) Ltd	2010/011391/07
Mecca Reinforcing (Pty) Ltd	2003/018688/07

	Promotion of Access to Information Act (PAIA) & Protection of Personal Information Act (POPIA) Manual	Doc No.:	MAN-GEN 002
		Rev. No.:	00
		Rev. Date:	03/08/2021

LIST OF SUBSIDIARIES	
Entity	Registration number
Reinforcing and Mesh Solutions (W-Cape) (Pty) Ltd	2003/023332/07
Reinforcing and Mesh Solutions (ECape) (Pty) Ltd	2003/003961/07
Roadspan Surfaces (Pty) Ltd	2007/035636/07
WBHO Building Energy (Pty) Ltd	2012/000558/07
Capital Africa Steel (Pty) Ltd trading as Reinforcing and Mesh Solutions	2003/008668/07
The WBHO Management Trust	IT 5167/96
Balmoral Crushers (Pty) Ltd	2008/008374/07
Bigen WBHO Housing (Pty) Ltd	2001/015271/07
Ikusasa Rail (Pty) Ltd	1998/006153/07
Ikusasa Rail (SA) (Pty) Ltd	1964/001845/07