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**THE PROMOTION OF ACCESS TO INFORMATION ACT, SECTION 51 -
MANUAL FOR PEC UTILITY MANAGEMENT PTY LTD**

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INTRODUCTION TO PEC UTILITY MANAGEMENT PTY LTD

PEC Utility Management is a company specializing in utility management and related industry specific professional services.

PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

Persons designated/duly authorised persons:

Directors: W Langeveldt
 DJ Obermeyer
 G vd Berg
 M Langeveldt
 N Erasmus
 N Pienaar

1. Contact details *[Section 51(1)(a)]*

Postal Address

P O Box 73639
Lynnwood Ridge
0040

Physical Address

PEC Business Park
128 Siersteen Street
Silvertondale
Pretoria
0184

Telephone: +27 12 846 3000

Fax: +27 12 846 3028

E-mail: riette@pecgroup.co.za

Website: www.pecutilities.co.za

2. The section 10 Guide on how to use the Act [Section 51(1)(b)]

The Guide is available from the South African Human Rights Commission. Please direct queries to:

The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Postal Address: Private Bag 2700

Houghton

2041

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

3. Records available in terms of any other legislation [Section 51(1)(d)]

- Basic Conditions of Employment No. 75 of 1997
- Companies Act No. 61 of 1973
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act No.130 of 1993
- Employment Equity Act No. 55 of 1998
- Labour Relations Act No. 66 of 1995
- PAIA Regulation 187 of 15 February 2002
- Promotion of Access to Information Act 2 of 2002
- Occupational Health & Safety Act No. 85 of 1993
- South African Constitution 1996
- Skills Development Levies Act No. 9 of 1999
- Skills Development Act No. 97 of 1998
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

4. The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2) (if any) [Section 51(1)(c)]

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

5. Records that may be requested [Section 51(1)(e)]

Legal and regulatory

All statutory documents at CIPC relating to the incorporation, formation and administration of the company

Human Resources:

- Employee information subject to the Protection of Personal Information Act 4 of 2013
- Remuneration policies
- Disciplinary procedures and records subject to the Protection of Personal Information Act 4 of 2013

Finances:

- Confirmation of Annual Turnover
- Assets inventory

6. The request procedures

Form of request:

- The requester must use the **prescribed form (please see Annexure A)** to make the request for access to a record. This must be made to one of the heads of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].

- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [53(2)(d)].
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body [s 53(2)(f)].
- In terms of section 63 of the Act, the head of the private body must refuse a request for access to a record if its disclosure would involve the unreasonable disclosure of personal information about the third party, including a deceased individual. Furthermore, he must refuse a request for access to a record of the private body if the record contains; trade secrets, financial, commercial, scientific and technical information, the disclosure of which could harm the interests of the private body.
- Similarly, in terms of section 64 of the Act, the above refusal grounds apply in respect of the commercial information of third parties held by the private body. Access to such records will require the written permission of the third party concerned before the private body will permit to view.
- Further, in terms of section 65 the head/ director of the private body must refuse a request for access to a record if the disclosure of such a record could reasonably be expected to endanger the life or physical safety of an individual.
- Lastly, in terms of section 67 a request will be refused if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived such privilege.

Fees:

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [s54(1)].
- The fee that the requester must pay to the private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].
- After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further prescribed access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].
- The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za.

7. Other information as may be prescribed [Section 51(1)(f)]

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

8. Availability of the manual [Section 51(3)]

The PAIA Section 51 Manual for PEC Utility Management (Pty) Ltd is available at our offices situated at PEC Business Park, 128 Siersteen Street, Silvertondale, Pretoria free of charge and on our website www.pecutilities.co.za

ANNEXURE A

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 private body

The Head:

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: _____

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 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 of any 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 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 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	
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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	
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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)	
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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.

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. **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 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 _____ 20 __

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE