



PAIA MANUAL
PROMOTION OF ACCESS TO INFORMATION
ACT

LIDWALA CONSULTING ENGINEERS (SA) (PTY) LTD

REGISTRATION 2002/019053/07

January 2017



	Title:	Number:	Revision:	Date:
	ADM038 PAIA Manual	ADM038	REV 1	13 JAN '17

COMPANY DETAILS

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DOCUMENT CONTROL

Date	Revision	Name	Role	Signature
7 Jan 2017	Rev01	Siân Lane	GM Corporate Services	

By signing this document the signatory confirms the authenticity of the electronic signatures on the approval page of this document

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ABBREVIATIONS

PAIA Promotion of Access to Information Act

GM General Manager

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1 INTRODUCTION

The Promotion of Access to Information Act gives effect to the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.

Specifically, section 51(1) of the Act provides that within six months after the commencement of this section (now the 31st December 2015) or within six months after coming into existence of the private body concerned, the head of a private body must compile a manual that must contain information regarding the subjects and categories of records held by such private bodies.

In this context, a "private body" is defined as any natural person who carries or has carried on any trade, business or profession, but only in such capacity or any partnership which carries or has carried on any trade, business or profession or any former or existing juristic person (e.g. any company, close corporation or business trust).

Lidwala Consulting Engineers (SA) (Pty) Ltd falls within the definition of a "private body" and this Manual has been compiled in accordance with the said provisions and to fulfil the requirements of the Act.

In terms of the Act, where a request for information is made to a body, there is an obligation to provide the information, except where the Act expressly provides that the information may not be released. In this context, Section 9 of the Act recognises that access to information can be limited. The limitation relates to circumstances where such release would pose a threat to the protection of privacy, commercial confidentiality, and the exercising of efficient governance.

Accordingly, this manual provides a reference to the records held by Lidwala Consulting Engineers (SA) (Pty) Ltd and the process that needs to be adopted to access such records.

All requests for access to information (other than information that is available to the public) must be addressed to the General Manager, Corporate Services.

2 BUSINESS AND CONTACT DETAILS

Name of Business: Lidwala Consulting Engineers (SA) (Pty) Ltd
Head of Business: Ms Siân Lane
Position: General Manager, Corporate Services

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Postal Address: Postnet Suite 328, Private Bag X21, Bryanston, Gauteng, 2021

Physical Address: Unit 18, Block B, First Floor, Corner Main Office Park, 2 Payne Road, Bryanston, Gauteng, 2021

Phone Number: 0861 543 7252

Fax Number: 086 766 2829

Email Address: slane@lidwala.com

Website: www.lidwala.com

3 MANUAL AND GUIDELINES

Any enquires relating to this guide should be directed to the Chief Executive Officer of the South African Human Rights Commission, 2nd Floor, Braampark Forum 3, 33 Hoofd Street, Braamfontein. Telephone 011 877 3750 or Fax 011 403 0668.

Copies of the Guide are also available at the following places:

- The office of the Government Communications and Information Services;
- Library of Parliament, Cape Town;
- The South African Library, Cape Town;
- Natal Society Library, Pietermaritzburg;
- The State Library in Pretoria;
- City Library Services, Bloemfontein;
- The National Film, Video and Sound Archives, Pretoria.

Copies of the Guide are also available in all official languages at the following offices:

- All offices of public bodies;
- All Magistrates' Offices;
- All offices of the Department of Justice and Constitutional Development;
- All Post Offices.

The Guide is also available at all offices and on the website of the South African Human Rights Commission, www.sahrc.org.za.

4 RECORDS AVAILABLE IN TERMS OF SECTION 52 (2) OF THE ACT

Not Applicable.

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5 RECORDS THAT ARE HELD AT THE OFFICES OF THE BUSINESS

The following is a list of records that are held at the business' office:

- Administration:
 - Attendance registers
 - Correspondence
 - Founding Documents
 - Minutes of Management Meetings
 - Minutes of Staff Meetings
 - Shareholder Register
 - Statutory Returns

- Human Capital:
 - Conditions of Service
 - Employee Records
 - Employment Contracts
 - Employment Equity Records
 - General Correspondence
 - Industrial and Labour Relations Records
 - Information relating to Health and Safety Regulations
 - Pension and Provident Fund Records
 - Performance Appraisals
 - Employee Guidelines, Policies and Procedures
 - Remuneration Records and Policies
 - Salary Surveys
 - Skills Requirements
 - Staff Recruitment Policies
 - Statutory Records
 - Training Records

- Operations:
 - Brochures on Company Information
 - Client and Customer Registry
 - Contracts
 - General Correspondence
 - Information relating to Work-In-Progress
 - Marketing and Future Strategies
 - Marketing Records
 - Sales Records

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- Suppliers' Registry

➤ **Finances:**

- Annual Financial Statements
- Asset Register
- Banking Records
- Budgets
- Contracts
- Financial Transactions
- General Correspondence
- Insurance Information
- Internal Audit Records
- Management Accounts
- Purchase and Order Information
- Tax Records (company and employee)

➤ **Information Technology:**

- IT Policies and Procedures
- Network Diagrams
- User Manuals

➤ **Statutory Records:**

- At present these include records (if any) held in terms of:
- Basic Conditions of Employment 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Currency and Exchanges Act 9 of 1933
- Employment Equity Act 55 of 1998
- Finance Act 35 of 2000
- Electronic Communications and Transactions Act 25 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 95 of 1967
- Labour Relations Act 66 of 1995
- Occupational Health & Safety Act 85 of 1993
- Sectional Titles Act No. 95 Of 1986
- Skills Development Levies Act 9 of 1999

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- Promotion of Access to Information Act 2 of 2000
- Skills Development Act 97 of 1998
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

6 INFORMATION REQUEST PROCEDURE

The requester must use the prescribed form to make the request for access to a record. A request form is available from our offices or at www.lidwala.com or is attached as Annexure A.

The request must be made to the Head of Business named in Section 2 above. This request must be made to the address, fax number or electronic mail address of the business.

The requester must provide sufficient detail on the request form to enable the Head of Business 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 should be used to inform the requester. If this is the case, please furnish the necessary particulars to be so informed.

The requester must identify the right that is sought to be exercised or to be protected and must provide an explanation of why the requested record is required for the exercise or protection of that right.

If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of Head of Business aforesaid.

The prescribed request fee must be attached.

We will respond to your request within 30 days of receiving the request by indicating whether your request for access has been granted or denied.

Please note that the successful completion and submission of a request for access form does not automatically allow the requestor access to the requested record.

Access will be granted to a record only if the following criteria are fulfilled:

- The record is required for the exercise or protection of any right; and
- The requestor complies with the procedural requirements set out in the Act relating to a request; and

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- Access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of Part 3 of the Act.

7 DENIAL OF ACCESS

Access to any record may be refused under certain limited circumstances. These include:

- The protection of personal information from unreasonable disclosure concerning any natural person;
- The protection of commercial information held concerning any third party (for example trade secrets);
- The protection of financial, commercial, scientific or technical information that may harm the commercial or financial interests of any third party;
- Disclosures that would result in a breach of a duty of confidence owed to a third party;
- Disclosures that would jeopardize the safety or life of an individual;
- Disclosures that would prejudice or impair the security of property or means of transport;
- Disclosures that would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- Disclosures that would prejudice or impair the protection of the safety of the public;
- Disclosures that are privileged from production in legal proceedings unless the privilege has been waived;
- Disclosures of details of any computer programme;
- Disclosures that will put Lidwala Consulting Engineers (SA) (Pty) Ltd at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- Disclosures of any record containing any trade secrets, financial, commercial, scientific, or technical information that would harm the commercial or financial interests of Lidwala Consulting Engineers (SA) (Pty) Ltd;
- Disclosures of any record containing information about research and development being carried out or about to be carried out by Lidwala Consulting Engineers (SA) (Pty) Ltd;

If access to a record or any other relevant information is denied, our response will include:

- Adequate reasons for the refusal; and
- Notice that you may lodge an application with the court against the refusal and the procedure including details of the period for lodging the application.

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8 FEES

The applicable fees are prescribed in terms of the Regulations promulgated under the Act.

There are two basic types of fees payable in terms of the Act.

8.1 Request Fee

The non-refundable request fee of R 50 (excluding VAT) is payable on submission of any request for access to any record. This does not apply if the request is for personal records of the requestor. No fee is payable in such circumstances.

8.2 Access Fee

The access fee is payable prior to being permitted access to the records in the required form. The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11.

9 MANUAL AVAILABILITY

This Manual is available at the offices of the South African Human Rights Commission. The Manual is also available at www.lidwala.com.

Copies may also be obtained from the General Manager, Corporate Services at Lidwala Consulting Engineers (SA) (Pty) Ltd In respect of hard copies, any transmission costs or postage will be for the account of the requester.

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ANNEXURE A: FORM C

REQUEST FOR ACCESS TO RECORD OF A 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

Name of Business: Lidwala Consulting Engineers (SA) (Pty) Ltd
Head of Business: Ms Siân Lane
Position: General Manager, Corporate Services
Postal Address: Postnet Suite 328, Private Bag X21, Bryanston, Gauteng, 2021
Physical Address: Unit 18, Block B, First Floor, Corner Main Office Park, 2 Payne Road, Bryanston, Gauteng, 2021
Phone Number: 0861 543 7252
Fax Number: 086 766 2829
Email Address: slane@lidwala.com
Website: www.lidwala.com

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:	
Email Address:	
Capacity in which the request is made, when made on behalf of another person:	

C. PARTICULARS OF PERSON ON WHOSE BEHALF THE REQUEST IS MADE:

This section must be completed <i>ONLY</i> if a request for information is made on behalf of <i>another</i> 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 pages.

1.	Description of record or relevant part of the record:	
2.	Reference number, if available:	
3.	Any further particulars of the 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 of 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:
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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 for 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			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 the soundtrack, written or printed document	
4. If record is held on computer or in all electronic or machine readable form:					
	Printed Copy of record			Copy in computer readable form (eg. CD)	
If you requested a copy or transcription of a record (above), do you wish the copy of transcription to be posted to you. Postage is payable				YES	NO

G. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the space provided is inadequate, please continue on a separate page and attach it to this form. The requested must sign all additional pages.

1.	Indicate which right is to be exercised or protected:
2.	Explain why the record requested is required for the exercise 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