

**Register Number: 2015/189508/07**

# **SPILLPRO SOUTH AFRICA (PTY) LTD**

**In terms of**

**Section 51 of  
The Promotion of Access to Information Act  
2/2000**

## **Index**

1. Introduction of SPILLPRO SOUTH AFRICA (PTY) LTD
2. Contact details (Section 51 (1) (a))
3. The ACT and Section 10 Guide (Section 51 (1) (b))
4. Applicable Legislation (Section 51 (1) (c))
5. Schedule of Records (Section 51 (1) (d))
6. Form of Request (Section 51 (1) (e))
7. Any other information (Section 51 (1) (f))

## **1. INTRODUCTION**

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**").

The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right.

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 (contractually or otherwise) to receive information, other than in terms of the Act.

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 effect 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 i.e. Grounds for refusal of access to records.

### **SCOPE**

This manual applies in respect of each member of the **SPILLPRO SOUTH AFRICA (PTY) LTD** as set out in this manual. The Information Officer named below is appointed in respect of SPILLPRO SOUTH AFRICA (PTY) LTD as a whole and in respect of each of the private bodies constituting SPILLPRO SOUTH AFRICA (PTY) LTD

This manual applies to all branches of SPILLPRO SOUTH AFRICA (PTY) LTD.

### **SPILLPRO SOUTH AFRICA (PTY) LTD**

SPILLPRO SOUTH AFRICA (PTY) LTD's main areas of business are:

Chemical spill clean-up, Hazardous waste disposal, Non-hazardous clean-up, Bioremediation, Recycling of waste, Supply of spill kits and absorbents

## 2. CONTACT DETAILS

In terms of Section 51(1) (a) of the Act, the request for information should be made to the following individual:

Name of private body	SPILLPRO SOUTH AFRICA (PTY) LTD 2015/189508/07
Postal address	PO Box 905 Bloemfontein Bloemfontein 9300
Physical address	5 Walter Sisulu Road Universitas Bloemfontein 9301
Information officer	Natasha Tait
Telephone	+27 51 436 9675
Facsimile	+27 86 560 8910
E-mail	natasha@shegroup.co.za

### Persons designated/duly authorised

Directors: Mr GS Venter  
Mr. F Du Toit  
Mr. S Hughes

Manager: Mr. F du Toit  
082 413 5509  
tokkie@shegroup.co.za

### **3. THE ACT (Section 51(1) (b) of the Act)**

3.1 The ACT grants a requester access to records of a private bod, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

3.2 Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraph 6 and 7 of the Act.

3.3 Requesters are referred to the guide in terms of Section 10 which has been compiled by the South African Human Right Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

Please contact the SAHRC (South African Human Rights Commission) to obtain the guide, their details are as follows:

The South African Human Rights Commission  
PAIA Unit  
The Research and Documentation Department

Postal address	Private Bag 2700, Houghton, 2041
Telephone	+27 11 877 3600
Facsimile	+27 11 403 0625
Website	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>
E-mail	<a href="mailto:paia@sahrc.org.za">paia@sahrc.org.za</a>

## **4. APPLICABLE LEGISLATION**

### **4.1 Voluntary Disclosure**

Notices in term of Section 52 of the Act are voluntary, and SPILLPRO SOUTH AFRICA (PTY) LTD does make certain information freely available at [www.spillprosa.com](http://www.spillprosa.com) without request. The website contains various categories of information relating to the SPILLPRO SOUTH AFRICA (PTY) LTD, such as, structure of SPILLPRO SOUTH AFRICA (PTY) LTD as well as details of branches, press releases, career and contact details.

### **4.2 Records available in terms of other legislation (Section 51 (1) (c))**

SPILLPRO SOUTH AFRICA (PTY) LTD retains 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
- Broad Based Black Economic Empowerment Act No. 53 of 2003
- Companies Act No. 71 of 2008
- Competition Act No. 89 of 1998
- Compensation for Occupational Injuries and Disease Act No. 130 of 1993
- Employment Equity Act No. 55 of 1998
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Mine Health and Safety Act No. 29 of 1996
- Occupational Health and Safety Act No. 85 of 1993
- Preferential Procurement Policy Framework Act No. 5 of 2000
- Promotion of Access to Information Act No. 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
- Skills Development Act No. 97 of 1998
- Skills Development Levies Act No. 9 of 1999
- Unemployment Contribution Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

### **5. Schedule of Records (Section 51 (1) (d))**

Within SPILLPRO SOUTH AFRICA (PTY) LTD we maintain records on the following categories and subject matters. **However, note that recording a category or subject matter in this manual does not imply that a request for access to such records would be honoured.** All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act. Further, note that many of the records held by us are those of third parties, such as customers and employees and we take the protection of third party confidential information very seriously.

DATE OF COMPILATION 19/11/2015

DATE OF REVISION 18/11/2016

**Financial and administration records – Not available**

- Financial reports
- VAT records
- PAYE records
- Fixed asset register
- Banking records
- Management reports
- Invoices
- Debtors information
- Creditors information

**Secretarial and statutory records – Request in terms of PAIA**

- Memorandum and articles of association / Memorandum of Incorporation
- Minutes of Board Meetings
- Shareholder agreements
- Company register
- Share certificates
- Resolutions
- Appointment of directors
- Appointment of auditors
- Statutory filings

**Human Resource Records – Not Available**

- Personal records provided to us by our personnel
- Employment contracts
- Medical aid records
- Pension fund and retirement benefit records
- Disciplinary records
- Salary records
- Training records
- Leave records
- UIF returns
- Correspondence relating to personnel
- Internal policies and procedures

**Customer-related records – Request in terms of PAIA**

- Contracts with clients
- Any records the client has provided to SPILLPRO SOUTH AFRICA (PTY) LTD or a third party acting for or on behalf of SPILLPRO SOUTH AFRICA (PTY) LTD

DATE OF COMPILATION 19/11/2015

DATE OF REVISION 18/11/2016

- Records, reports and other similar generated by SPILLPRO SOUTH AFRICA (PTY) LTD for their client

#### **Other parties – Not Available**

Records held in respect of other parties, including without limitations joint ventures and consortia to which SPILLPRO SOUTH AFRICA (PTY) LTD is a party to. Such other parties may possess records which can be said to belong to SPILLPRO SOUTH AFRICA (PTY) LTD. The following records fall under this category:

- Personnel, customer or SPILLPRO SOUTH AFRICA (PTY) LTD records which are held by another party as opposed to being held by SPILLPRO SOUTH AFRICA (PTY) LTD
- Records held by SPILLPRO SOUTH AFRICA (PTY) LTD pertaining to other parties, including financial records, correspondence, contractual records provided by the other parties.

#### **Other records – Not Available**

- Information relating to SPILLPRO SOUTH AFRICA (PTY) LTD own commercial activities
- Procurement and administrative for the SPILLPRO SOUTH AFRICA (PTY) LTD
- Research and development belonging to SPILLPRO SOUTH AFRICA (PTY) LTD
- Legal proceedings records
- Safety, health and environmental records

### **6. FORM OF REQUEST**

- Request Procedures - Refer to the attached annexure marked '**Annexure A**' on how to request information in terms of the Act.
- Request Form - Refer to the attached annexure marked '**Annexure B**' being the form to be completed by the requester of information in terms of the Act.
- Fees - Refer to the attached annexure marked '**Annexure C**' for the fee schedule

### **7. PRESCRIBED FEES**

The following applies to requests (other than personal requests)

1. *A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;*
2. *If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);.*
3. *A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;*

Records may be withheld until fees have been paid

Fees - Refer to the attached annexure marked '**Annexure C**' for the fee schedule

The SPILLPRO SOUTH AFRICA (PTY) LTD Manual compiled in terms of the Act is available at the following places for viewing free of charge:

- SPILLPRO SOUTH AFRICA (PTY) LTD Offices
- On the South African Human Rights Commissioner website [www.sahrc.org.za](http://www.sahrc.org.za)

DATE OF COMPILATION 19/11/2015

DATE OF REVISION 18/11/2016



- On SPILLPRO SOUTH AFRICA (PTY) LTD's company website: [www.spillprosa.com](http://www.spillprosa.com)

## **ANNEXURE A**

### **REQUEST PROCEDURES IN TERMS OF THE ACT**

- a) The requester must use the prescribed form to make the request for access to a record. The request form is attached to this manual and is marked Annexure C. This must be made to the Information Officer of SPILLPRO SOUTH AFRICA (PTY) LTD. This request must be made to the address, fax number or electronic mail address of the SPILLPRO SOUTH AFRICA (PTY) LTD Group as set out in point 3 of the manual.
- b) The requester must provide sufficient detail on the request form to enable the Information Officer 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.
- 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.
- 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 Information Officer.
- e) A requester who seeks access to a record containing personal information about that requester is not required to pay the requested fee. Every other requester, who is not a personal requester, must pay the required requested fee.

**Please note that if sufficient information is not given by the requester with regards to the record(s) required, it will delay the process until such time as the requester has given the necessary information.**

- f) The Information Officer must notify the requester (other than a personal requester) by notice, advising the requester to pay the prescribed fee (if any) and that no further processing will commence until such payment has been received.
- g) The fee that the requester must pay as indicated in the fee schedule attached to this manual as Annexure C. A requester may lodge an internal appeal or an application to the court against the tender of payment of the request fee.
- h) After the Information Officer has made a decision with regards to the request, the requester must be notified in the required form.
- i) If the request is granted then a further access fee must be paid for the search, reproduction, preparation and the any cost incurred that has exceeded the prescribed hours to search and prepare the record for disclosure.

**ANNEXURE B  
REQUEST FOR ACCESS TO A RECORD OF TSWELOPELE**

(Section 53(1) of the Promotion of Access to Information Act , 2000 (Act No. 2 of 2000))

**A. Particulars:**

<b>SPILLPRO SOUTH AFRICA (PTY) LTD (2015/225281/07)</b>	
<b>5 Walter Sisulu Road, Universitas, Bloemfontein</b>	
<b>Telephone</b>	+27 51 436 9675
<b>Facsimile</b>	+27 86 560 8910
<b>E-mail</b>	info@shegroup.co.za
<b>Information officer</b>	Natasha Tait

**B. Particulars of person requesting access to the record**

<p>1. <i>The particulars of the person who requests access to the information</i></p> <p>2. <i>Furnish an address and/or fax number in the Republic to which information must be sent.</i></p> <p>3. <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i></p>
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Full names and surname: Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fax number: \_\_\_\_\_

Contact telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Capacity in which request is made, when made on behalf of another person: (attach proof of capacity, power of attorney, resolution)

\_\_\_\_\_  
\_\_\_\_\_

**C) Particulars of person on whose behalf request is made**

<p><i>This section must only be completed if a request for information is made on behalf of another person.</i></p>
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Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

DATE OF COMPILATION 19/11/2015

DATE OF REVISION 18/11/2016

**D) Particulars of record**

1. 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.

2. If the space provided for is sufficient to complete this section, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

3. Description of record or relevant part of the record:

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4. Reference number, if available: \_\_\_\_\_

5. Any further particulars of record: \_\_\_\_\_

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**E.) Fees**

4. A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;

5. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);

6. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;

7. Records may be withheld until fees have been paid.

Reason for exemption from payment of fees:

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**F) Form of access to record**

Mark the appropriate box with an 'X'.

NOTES:

- 1. Your indication as to the required form of access depends on the form in which the record is available.
- 2. 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.
- 3. The fee payable for access to the record, if any, will partly be determined by the form in which access is requested.
- 4. If the record is in written or printed form –

Copy of record  inspection of record

- 5. **If record consists of visual images** - this includes photographs, slides, video recordings, computer generated images, sketches, etc.)

View the images  Images  
copy the images\*  transcription of the

- 6. **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)

- 7. **If record is held on computer or in an electronic or machine-readable form -**

Printed copy of record\*  printed copy of  copy in computer   
information derived From the record\* readable from\* (compact disk)

Mark your choice below. REMEMBER: If you require a record to be posted to you, you will have to pay a postal fee.

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

**G) Particulars of right to be exercised or protected**

*If the space provided for is insufficient to complete this section, 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

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2. Explain why the requested record is required for the exercising or protection of the aforementioned right

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**H) Notice of decision regarding request for access**

*You will be notified in writing whether your request has been approved. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.*

How will you be informed of the decision regarding your request for access to the record?

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Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER/PERSON ON WHOSE BEHALF REQUEST IS MADE

## ANNEXURE C

### FEE SCHEDULE

#### PRESCRIBED FEES

- (a) The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof .
- (b) The fee for reproduction referred to in regulation 11(1), is as follows :
- For every photocopy of an A4-size page or part thereof R 1,10
  - For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R 0,75
  - For a copy in a computer-readable form on:-
    - compact disc R70,00
- (c) For a transcription of visual images, for an A4-size page or part thereof R40,00
- For a copy of visual images R60,00
- (d) For a transcription of an audio record, for an A4-size page or part thereof R20,00
- For a copy of an audio record R30,00
- (e) The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00
- (f) The access fee payable by a requester referred to in regulation 11(3) are as follows :-
- For every photocopy of an A4-size page or part thereof R 1,10
  - For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R 0,75
  - For a copy in a computer-readable form on :
    - compact disc R70,00
  - For a transcription of visual images,
    - for an A4-size page or part thereof R40,00
    - For a copy of visual images R60,00
  - For a transcription of an audio record,
    - for an A4-size page or part thereof R20,00
    - For a copy of an audio record R30,00

DATE OF COMPILATION 19/11/2015

DATE OF REVISION 18/11/2016

(g) To search for the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and operation.

(h) For purposes of section 54(2) of the Act, the following applies :-

- Six hours as the hours to be exceeded before a deposit is payable;
  - And one third of the access fee is payable as a deposit by the requester.
  - The actual postage is payable when a copy of a record must be posted to a requester



This policy in terms of Section 51 of

The Promotion of Access to Information Act 2/2000

Is compiled by Sharleen Herbst – Document Control & System Administrator of SHE Group

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And approved by Evert Grobbelaar – Financial Director of SHE Group

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