

**PROMOTION OF ACCESS TO INFORMATION ACT**

**SECTION 51 MANUAL FOR**

**BUILDACC CC**

## **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 (contractual or otherwise) to receive such information, other than in terms of the Act. This manual applies in respect of each member of the Buildacc cc as set out in this manual and as the Buildacc cc. The information Officer named below is appointed in respect of the Buildacc cc as a whole and in respect of each of the private bodies constituting the Buildacc cc.

## 2. DEFINITIONS

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely –

- “Act” means the Promotion of Access to Information Act, Act 2 of 2000, as amended from time to time;
- “Information Officer” means the person acting on behalf of Buildacc and discharging the duties and responsibilities assigned to the “head” of Buildacc by the Act. The Information Officer is duly authorised to act as such and such authorisation has been confirmed by the “head” of Buildacc in writing;
- “Manual” means this manual published in compliance with Section 51 of the Act;
- “Buildacc” means Buildacc cc 1993/025954/23;
- “Personnel” means any person who works for or provides services to or on behalf of Buildacc and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Buildacc. This includes without limitation, directors (both executive and non-executive), all permanent, temporary and part-time staff as well as consultants and contract workers;
- “Record” means any recorded information, regardless of form of medium, which is in the possession or under the control of Buildacc, irrespective of whether it was created by Buildacc;
- “Request” means a request for access to a record of Buildacc;
- “Requestor” means any person, including a public body or an official thereof, making a request for access to a record of Buildacc and includes any person acting on behalf of that person; and
- “SAHRC” means the South African Human Rights Commission. Unless a contrary intention clearly appears, words signifying:
  - the singular includes the plural and vice versa;
  - any one gender includes the other genders and vice versa; and
  - natural persons include juristic persons.
- Terms of defined in the Act shall have the same meaning in this Manual.

### **3. BUILDACC**

Buildacc is a company with a focus on the sales of plastic injection moulding and extruded products.

Our strategic objective is to deliver projects and engineered products that fulfil customer specifications, on time and within budget.

#### **4. AVAILABILITY OF THIS MANUAL**

A copy of this Manual is available on our website ([www.buildacc.com](http://www.buildacc.com)) or by sending a request for a copy to the Information Officer by email. The Manual may also be inspected at the address set out below. In addition, this manual can be accessed through the SAHRC at its address set out below. This Manual will be updated from time to time, as and when required.

## **5. HOW TO REQUEST ACCESS TO RECORDS HELD BY THE BUILDACC CC**

Requests for access to records held by the Buildacc cc must be made on the request forms that are available from the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za)) (under “regulations”).

For the convenience of requestors, copies of such forms are included in the version of this Manual available at our address set out below and on our website. Please note that requestors are also required to make payment of the prescribed fees. This issue is dealt with more fully below.

Requests for access to records must be made to our Information Officer at the address, fax number or electronic mail address provided for below.

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 and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

The requester must identify the right that he or she is seeking to exercise or protect and 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 a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Buildacc cc Information Officer.

The standard form that must be used for the making of requests is attached as Annexure 2. Not using this form could cause your request to be refused (if you do not provide sufficient information or otherwise) or delayed.

The list detailing the prescribed fees in respect of requests and the fees in respect of access to records (if the request is granted) is attached as Annexure 3. Annexures 2 and 3 are included in copies of this Manual available on the Buildacc website and head office but need not and are not included in the copy of this Manual delivered to the SAHRC.

Kindly note that all requests to the Buildacc cc will be evaluated and considered in accordance with the Act. Publication of this manual and describing the categories and subject matter of information held by the Buildacc cc does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

## 6. CONTACT DETAILS

Name of Private Body "The Buildacc cc"

Designated Information Officer "Jorge Guedes",

Email address of Information Officer [info@buildacc.com](mailto:info@buildacc.com),

Postal address "PO Box 282, Cramerview, 2060",

Street address "9 Cumberland ave, Vandia Grove, Randburg, 2194",

Phone number "011 462 7064",

Fax number "086 530 2472".

## **7. HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT**

Please contact the SAHRC to obtain the guide. Their details are reflected below: 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](http://www.sahrc.org.za)

E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)



## **8. VOLUNTARY DISCLOSURE**

Notices in terms of Section 52 are voluntary, yet the Buildacc cc does make certain information freely available (without being obliged thereto), including the most recent Annual Report of Buildacc cc. Other information relating to the Buildacc is freely available on the Buildacc cc website at [www.buildacc.com](http://www.buildacc.com). Certain other information relating to the Buildacc cc is also made available on such website from time to time as well as on various of the other websites operated by the Buildacc cc. Promotional brochures relating to specific products and services are also published and distributed from time to time.

Certain information is also made available to employees of the Buildacc cc, which is not generally made available to the public. To avoid confusion, these items are not listed here but may be obtained by Buildacc cc employees from the administrative officer, Jorge Guedes.

## **9. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION**

Information is available in terms of the following legislation to the persons or entities specified in such legislation:

### **General**

Companies Act 61 of 1973 Income Tax Act 58 of 1962

Value Added Tax Act 89 of 1991

Labour Relations Act 66 of 1995

Basic Conditions of Employment Act 75 of 1997

Employment Equity Act 55 of 1998 Compensation for Occupational Injuries and Health Diseases Act 130 of 1993

Occupational Health & Safety Act 85 of 1993

Harmful Business Practices Act 23 of 1999

Protection of Businesses Act 99 of 1978

Skills Development Act 97 of 1998

Stamp Duties Act 77 of 1968

Skills Development Levels Act 9 of 1999

Unemployment Insurance Act 30 of 1966

Unemployment Contributions Act No. 4 of 2002

National Environmental Management Act 107 of 1998

Stock Exchange Control Act of 1985 and the rules and listings requirements of the JSE Securities Exchange authorised in terms thereof

### **Temporary**

From time to time the Buildacc cc may accept liability to retain records under other legislation and to grant access thereto. This is dependent on contracts entered into by the Buildacc cc and may relate to specific future companies within the Buildacc cc, and are usually provided as a service to clients and of limited duration.

## **10. RECORDS HELD BY THE BUILDACC CC**

We maintain records on the following categories and subject matters. However, please 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.

Please note further 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. Please ensure that requests for such records are carefully motivated to avoid rejection.

### **10.1 Internal records**

The following are records pertaining to the Buildacc cc own affairs and those of its constituent companies:

- Memorandum and Articles of Association;
- Financial records;
- Operational records;
- Intellectual property;
- Marketing records;
- Internal correspondence;
- Product records;
- Statutory records;
- Internal policies and procedures;
- Minutes of meetings;
- Charters, codes of conduct and policies (both internal and external) to which the Buildacc cc subscribes; and
- Records held by officials of the Buildacc cc.

### **10.2 Personnel records**

Personnel refers to any person who works for or provides services to or on behalf of the Buildacc cc and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of the Buildacc cc. This includes, without limitation, directors, executives, non-executives, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

- Any personal records provided to us by our personnel;
- Any records a third party has provided to us about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Employment policies and procedures;
- Internal evaluation records; and
- Other internal records and correspondence.

### **10.3 Customer-related records**

Customer-related information includes the following:

- Contracts with the customer and between the customer and other persons;
- Any records a customer has provided to the Buildacc cc or a third party acting for or on behalf of the Buildacc cc (including plans, specifications, approvals, licences, reports, intellectual property rights and the like);
- Any credit records or other research conducted by the Buildacc cc in respect of its customers or research derived by the Buildacc cc from its customers and their activities;

- Records, reports, designs and the like generated by the Buildacc cc for its customers;
- Any records a third party has provided to the Buildacc cc either directly or indirectly; and
- Records generated by or within the Buildacc cc pertaining to the customer, including transactional records.

#### 10.4 Other Parties

Records are kept in respect of other parties, including without limitation joint ventures and consortia to which the Buildacc cc is a party, contractors and subcontractors, suppliers, subsidiary/holding/sister companies, service providers, and general market conditions. In addition, such other parties may possess records which can be said to belong to the Buildacc cc. The following records fall under this category:

- Personnel, customer, or Buildacc cc records which are held by another party as opposed to being held by the Buildacc cc; and
- Records held by the Buildacc cc pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers.

#### 10.5 Other Records

Further records are held including:

- Information relating to the Buildacc cc's own commercial activities;
- Procurement and administration for the Buildacc cc; and
- Research information belonging to the Buildacc cc or carried out on behalf of a third party.