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	Date Established:	
	Review Date	Rev:

BULK CONNECTIONS MANUAL IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT AND THE PROTECTION OF PERSONAL INFORMATION ACT

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1 **INTRODUCTION**

1.1 **Overview**

Durban Coal Terminal Company (Pty) Ltd trading as Bulk Connections ("BC") is a member of the Bidvest Freight division of the Bidvest Group of Companies. BC manages and handles the shipping of bulk products through the Port of Durban.

1.2 **Contact Details**

Company Name:	Durban Coal Terminal Company (Pty)Ltd trading as Bulk Connections
Registration Number:	1982/003063/07
Vat Number:	4450117983
Head Office:	CNR Wharfside & Java Roads, Island View, Bluff, Durban, 4036
Postal Address:	PO Box 21273, Bluff, Durban,4036
Website:	www.bulkconnections.com
Phone:	031 466 9600
Email:	info@bulkconnections.com
Head of Company:	Xolani P Mbulawa (Managing Director)
Information Officer:	Sinempilo Nxele-Ngubane (Financial Director)

2 **MANUAL**

2.1 **The Promotion of Access to Information Act. No. 2 of 2000 ("the PAIA")**

The PAIA gives effect to the constitutional right of access to any information held by any public or private body that is required for the exercise or protection of any rights.

The PAIA sets out the procedures attached to such request and recognizes that such right to access to information is subject to certain justifiable limitations.

The PAIA obliges private bodies to compile a manual, which would assist a person to obtain access to information held by the private body and stipulates the minimum requirements with which a manual must comply.

2.2 **The Protection of Personal Information Act. No. 4 of 2013 ("the POPIA ")**

The POPIA gives effect to the constitutional right to privacy, in particular the protection against the unlawful collection, retention, dissemination and use of personal information.

Personal information means certain information relating to an identifiable living natural person or existing juristic person.

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The POPIA requires people or companies to comply with eight principles regarding the processing of personal information.

2.3 BC's Manual

BC's manual is available for inspection at the Head Office (address as set out in 1.2 above), on the BC website (address as set out in 1.2 above) and at the South African Human Rights Commission (address as set out in 2.3 below).

The Bidvest Group manual is available on:
[http:// www .bidvest.com /access information.php.](http://www.bidvest.com/accessinformation.php)

2.4 South African Human Rights Commission ("SAHRC")

In terms of the PAIA, the SAHRC has compiled a guide, in an easily comprehensible form and manner, as to how a person may exercise any right contemplated in the PAIA. This guide is available in all the official languages from the SAHRC's PAIA Unit.

Physical Address: The Research and Documentation Department, 29 Princess of Wales Terrace, Parktown, Johannesburg, Gauteng
 Postal Address: The Research and Documentation Department, Private Bag 2700, Houghton, 2041, Gauteng
 Website: www.sahrc.org.za
 Phone: +27 11 484 8300
 Fax: +27 11 484 7146/7
 Email: PAIA@sahrc.org.za

3 RECORDS

3.1 Records available without request

There are currently no records available without request.

3.2 Records kept in terms of other legislation (Acts and Regulations)

3.2.1 Corporate

Companies Act 71 of 2008

Competition Act 89 of 1998

Broad-Based Black Economic Empowerment Act 53 of 2003

Trade Marks Act , No 194 of 1993

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3.2.2 Finance

National Credit Act 34 of 2005

Consumer Protection Act 68 of 2008

Financial Advisory and Intermediary Services Act 37 of 2002

Short Term Insurance Act 53 of 1998

Financial Intelligence Centre Act 38 of 2001

Prevention and Combating of Corrupt Activities Act, No 12 of 2004

Prevention of Organised Crime Act 121 of 1998

Pension Funds Act 24 of 1956

Tax on Retirement Funds Act 38 of 1996

3.2.3 Tax & Duties

Income Tax Act, No. 58 of 1962

Value Added Tax Act 89 of 1991

Customs and Excise Act 91 of 1964

South African Revenue Service Act 34 of 1997

3.2.4 Human Resources

Labour Relations Act 66 of 1995

Basic Conditions of Employment Act 75 of 1997

Employment Equity Act, No. 55 of 1998

Manpower Training Act, 56 of 1981

Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000

Skills Development Act 97 of 1998

Skills Development Levies Act, No. 9 of 1999

Unemployment Insurance Contributions Act 4 of 2002

Unemployment Insurance Fund Act 63 of 2001

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3.2.5 Safety, Health & Environment

Occupational Health and Safety Act 85 of 1993

Occupational Diseases Act, No 130 of 1993

Compensation for Occupational Injuries and Diseases Act 130 of 1993

Tobacco Products Control Act 83 of 1993

Medicines and Related Substances Control Act 101 of 1965

National Building Regulations and Building Standards Act 103 of 1977

National Environmental Management Act 107 of 1998

NEM Air Quality Act 39 of 2004 National Water Act 36 of 1998

Environmental Conservation Act 73 of 1989

Disaster Management Act 57 of 2002

Hazardous Substances Act 15 of 1973

3.2.6 Information

Promotion of Access to Information Act, No 54 of 2002

Electronic Communications and Transactions Act 25 of 2002

Regulation of Interception of Communications and Provision of Communication- Related Information Act 70 of 2002

3.2.7 Transport

Administrative Adjudication of Road Traffic Offences Act 46 of 1998

Cross-Border Road Transport Act 4 of 1998

National Land Transport Act 5 of 2009

Road Traffic Act 29 of 1989

3.3 Other Records

3.3.1 Corporate

Statutory information

Agendas and minutes of internal meetings

Internal policies and procedures

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3.3.2 Finance

Accounting and taxation records
 Annual financial statements
 Banking statements
 Insurance records
 Client contracts and related information
 Service provider contracts and vendor details

3.3.3 Tax & Duties

Customs documentation

3.3.4 Human Resources

Employee files contracts
 Payroll records
 Employment equity reports
 UIF records
 Medical aid details
 Training and development records

3.3.5 Safety, Health & Environment

Property lease files
 Medical health and disability records

3.3.6 Operations

Commodities handled per customer
 Shipping line and vessel information
 Shipping Agents information
 Maintenance Plans and machine configuration records

3.3.7 Information

Various reports

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4. REQUESTS AND FEES

4.1 What can be requested?

4.1.1 A requester must be given access to any BC record if:

- 4.1.1.1 that record is required for the exercise or protection of any rights;
- 4.1.1.2 the requester complies with the procedural requirements in the PAIA relating to a request for access to that record; and
- 4.1.1.3 access to that record is not refused in terms of any ground set out below.

4.1.2 BC has the right to refuse requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources. The other main grounds on which BC has the right in terms of the PAIA or the POPIA to refuse a request for information are the mandatory protection of:

- 4.1.2.1 the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 4.1.2.2 the commercial information of a third party, if the record contains trade secrets, financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
- 4.1.2.3 information disclosed in confidence by a third party to BC, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- 4.1.2.4 confidential information of third parties if it is protected in terms of any agreement;
- 4.1.2.5 the safety of individuals and the protection of property and the operations of BC;
- 4.1.2.6 records which would be regarded as privileged in legal proceedings;
- 4.1.2.7 the commercial activities of BC which may include trade secrets, financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of BC, information which, if disclosed could put BC at a disadvantage in negotiations or commercial competition; a computer programme which is owned by BC, and which is protected by copyright;
- 4.1.2.8 the research information of BC or a third party, if its disclosure would disclose the identity of BC, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

4.2 How is it requested?

- 4.2.1 A requester wishing to access information held by BC as listed in 3.2 or 3.3 above must complete the prescribed form as set out in 4.3 below.
- 4.2.2 The completed request form must be submitted to the BC Information Officer at the address as set out in 1.2 above by email, hand deliver or post.
- 4.2.3 The request form must be accompanied by the prescribed fee (Annexure A Part 3 of the PAIA - available on request from the SAHRC).

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- 4.2.4 The BC Information Officer will consider the request to see whether the required information is available within BC.
- 4.2.5 The requester will be notified within 10 business days of receipt of the request as to whether it has been accepted or rejected.
- 4.2.6 If the request is accepted, the requester will be advised of the time required to gather and prepare the information and the cost involved (calculated in line with Annexure A Part 3 of the PAIA). Once time period required has passed and the requester has made payment of the required amount, the information will be released to the requester.
- 4.2.7 If the request is rejected, the requester will be advised of the reasons for the rejection.

4.3 Request Form

- 4.3.1 See pages 9 and 10 for the form

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REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
 (Section 53(1) of the Promotion of Access to Information Act) (Act No. 2 of 2000) [Regulation 10]

A. Particulars of private body

The Information Officer
 Bulk Connections

B. Particulars of person requesting access to the record

Full names and surname:
 Identity number:
 Postal address:
 Fax number:
 Telephone number:
 E-mail address:
 Capacity in which request is made:

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

Description of record or relevant part of the record:
 Reference number, if available:
 Any further particulars of record:

E. Provision of record

- Indicate in which form you would like to view the record:
- photocopy of record
 - printed copy of record
 - inspection of record
 - printed copy of information derived from the record
 - in computer readable form
 - listen to the soundtrack
 - transcription of soundtrack

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F. Particulars of right to be exercised or protected

Indicate which right is to be exercised or protected:

Explain why the record requested is required for the exercise or protection of the
aforementioned right:

G. Notice of decision regarding request for access

Indicate in which manner you would like to be advised of the outcome of your request:

- Post
- Email
- Fax

Signed at this..... day of20.....

.....
SIGNATURE OF REQUESTER/PERSON
ON WHOSE BEHALF REQUEST IS MADE