TMS
INDUSTRIAL SERVICES

REFERENCE: PAIA MANUAL or SECTION 51 MANUAL

In terms of the Promotion to Access to Information Act no 2 of 2000

TMS GROUP INDUSTRIAL SERVICES (PTY) LTD

("the company")

1987/000472/07
Registration Number

RETHA ZEELIE
REPRESENTING COMPANY SECRETARY:
CST CORPORATE GOVERNANCE PTY LTD

CONTENTS

1. The Manual
   1.1. Objectives of the Act
   1.2. Scope of the Manual
   1.3. Company & Information Officer details
   1.4. Dissemination and Availability of the manual

2. Entry Point for Requests

3. Who may request access to information

4. Guidance to requestors

5. Records available in terms of other legislation
   5.1. Unlimited requestors
   5.2. Limited requestors

6. Procedure
   6.1. Prescribed access form
   6.2. Proof of identity
   6.3. Prescribed fees
      6.3.1. Reproduction Fees
      6.3.2. Request Fee
      6.3.3. Access Fee
      6.3.4. Deposit

7. Granting or refusal of requests

8. Appeal

9. Classes of records held by the company
   9.1. Scope
   9.2. Categories and subjects of records held
   9.3. Further information and assistance

10. Useful references

11. Annexure A – Prescribed forms for Access to a record of the Company.

1. THE MANUAL

1.1 Objectives of the act

The Promotion of Access to Information Act, 2 of 2000 ("the Act"), which came into effect on the 9th of March 2001, seeks to advance the values of transparency and accountability in South Africa. In 1996, The South African Constitution provided guidelines influencing the statutory right of access to information on request, held by the state as well as held by private bodies. The Act established the following statutory rights of requestors to any record of a private body if the following circumstances are met:

1.1.1 if the record is required for the exercise or protection of any of his or her legal rights;
1.1.2 the requestor complies with all the procedural requirements; and
1.1.3 the access is not refused in terms of any ground referred to in the Act.

Section 51 of the Act obliges private bodies to compile a PAIA Manual ("Manual"). The purpose of the manual is to assist an individual to obtain access to the records of a private body and the Act stipulates the minimum requirements with which a manual has to comply.

1.2 Scope of the manual

This manual has been prepared by the company and applies to all of the private bodies described in Annexure 1. It is published in accordance with the requirements of section 51 of the Act and is aimed at facilitating access to records held by the company in terms of the Act.

Specifically, the Manual provides information on:

- the contact details of the information officer;
- the main business of the company;
- the subjects and categories of records that are held by the company;
- records that are automatically available, without a person having to request access;
- records that are available in terms of any other legislation; and
- the procedure that needs to be followed to obtain access to a record.

1.3 Company & information officer details

1.3.1 The Company is a private company incorporated in terms of the Company laws of the Republic of South Africa.
1.3.2 The main business of The Company is : Industrial Cleaning and Maintenance related service.
1.3.3 The Company has no subsidiaries.
1.3.4 The company employs up to 1500 staff members.
1.3.5 Information Officer :
The Information Officer shall ensure that the requirements of the Act are administered in a fair, objective and unbiased manner.

The Information Officer:
TMS GROUP INDUSTRIAL SERVICES (PTY)
Att: Elsabe Peens (Sales and Marketing Coordinator)
Physical Address: Unit 11A, Growthpoint Business Park, 2 Tonetti street, Halfway House, Midrand
Postal Address: P O Box 3138, Halfway House, 1685
Tel: +27 (11) 554 8600
Fax: +27 (11) 554 8660
E-mail: epeens@tmsg.co.za
Website: www.tmsg.co.za

1.4 **Dissemination and availability of the manual**

Copies of the manual will be distributed in terms of Section 51(3) and Regulation 187 of 15 February 2002 to:

1.4.1 The South African Human Rights Commission
Postal Address: Private Bag 2700, Houghton 2041
Street Address: 29 Princess of Wales Terrace, Parktown, Johannesburg
Email: paia@sahrc.org.za.
(A copy of this manual was delivered to the above street and email address)

1.4.2 The manual will be available for public inspection during office hours and upon request at the said business address.

1.4.3 The manual will be available for public inspection on the website (if available).

2 ENTRY POINT FOR REQUESTS

The CEO of the company has delegated his powers in terms of the Act to the Information Officer, who will handle all requests in terms of this Act on his behalf. All requests in terms of the Act must be addressed to the Information Officer with details given in clause 1.4. above.

3 WHO MAY REQUEST ACCESS TO INFORMATION

3.1 The Act provides that a person may only request information in terms of the Act if the information is required for the protection of a right. Only requests for access, where the requestor can furnish the Information Officer with sufficient particulars as to the right the requestor is seeking to protect, will be considered.

3.2 A requestor can request access to information in different capacities. The category under which the request falls will influence the amount to be charged when a request is lodged. Requestors can be classified in accordance with the following different categories:

- a past student;
- a personal requestor, that is a person who requests information about him / herself;
- an agent requestor, that is a person requesting information on behalf of someone else;

- a third-party requestor, that is a person requesting information about someone else; or
- a public body, requests information in the public interest.

4 GUIDANCE TO REQUESTORS

4.1 The Human Rights Commission is required by law to compile a guide ("the Guide") that will include the following:

- a description of the objectives of the Act;
- the relevant information of every private body as applicable;
- the manner and form in which requests must be lodged;
- the remedies available to requestors should a body not comply with the Act;
- the manner in which an appeal can be lodged;
- the fees payable in relation to requests for access; and
- a reference to any regulations passed.

4.2 The Human Rights Commission must, within 18 months after the commencement of this section, compile in each official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.

4.3 This guide and additional information may be requested from the South African Human Rights Commission at:

South African Human Rights Commission - PAIA Unit
Private Bag 2700
Houghton, 2041
Human Rights Advice
Tel: 0860 120 120
Fax: (011) 484 1360
Website: www.sahrc.org.za

5 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

5.1 **Unlimited requestors**

Records that are kept automatically available to the public are records of the Company lodged in terms of government requirements with various statutory bodies, including the Companies and Intellectual Properties Commission ("CIPC") and the Registrar of Deeds, all marketing and advertising material published by the company and all records available on the company's website.

5.2 **Limited requestors**

Certain legislation mandates private bodies to allow certain person(s) access to specified information, upon request. Legislation that may be consulted to establish the type of information or record and the person(s) having access thereto is as follows:

- Companies Act 71 of 2008;
- Finance Act 35 of 2000
- Income Tax Act 58 0f 1962;
- Promotion of Access to Information Act 2 of 2000;
- Protection of Business Act 99 of 1978;
- Value Added Tax Act 89 of 1991;

6 PROCEDURE

6.1 Prescribed access form

In order for us to facilitate your access to a record, you need to complete the attached prescribed access form. Please take note that the prescribed access form must be completed in full and that failure to do so may result in the process being delayed until such additional information is provided.

6.2 Proof of identity

Proof of identity is required to authenticate the request and the requestor. Therefore, in addition to the access form, requestors will be required to supply a certified copy of their identification document or any other legally acceptable means of identification.

6.3 Prescribed fees

Please take note that a request will not be processed until the request fee and/or the deposit (if applicable) have been paid. Requestors are advised that four types of fees are provided for in terms of the Act.

- Reproduction fee: this fee is payable with respect to all records that are automatically available;
- Request/Administration fee: this fee is an administration fee that must be paid by all requestors, except personal requestors (a personal requestor is a requestor seeking access containing information about the requestor himself/herself), before the request is considered and is not refundable;
- Access fee: which is payable once access to a record is granted, this fee is intended to reimburse the company for the costs involved in searching and preparing the record for delivery;
- Deposit: which is payable if the company receives a request for access to information about a person other than the requestor himself/herself and where the preparation of the record will take longer than six hours.

Reproduction fees

The applicable fees (excluding VAT) for reproduction as referred to above are:

Photocopy of an A4 size page (each)	R1.50
Printing of an A4-size page(color) (each)	R6.95
Printing of an A4 page (black & white) (each)	R2.50

Copy of a file onto a USB electronic medium	R65.00
Reproduction of information on a CD or DVD	R150.00

Request fee/administration fee

A request fee of R300.00 (excluding VAT) is payable upfront where a requestor submits a request for access to information on anybody else other than the requestor himself/herself.

Access fee

The applicable fees (excluding VAT) which will be payable are:

• for every A4 photocopy	R1.10
• for every printed page (A4-size)	R0.75
• for a copy of file onto USB electronic medium:	R7.50
• Reproduction of information on a CD or DVD:	R25.00
• to search a record that must be disclosed, per hour or part of the hour	R75.00
• where a copy of the record needs to be posted the actual postal fee is payable	TBA

Deposit

Where the company receives a request for access to information, payment of the following is required immediately:

- request/administration fee of R300.00; and
- a deposit of fifty percent (50%) of the reproduction and access fees payable.

7 GRANTING OR REFUSAL OF REQUESTS

All requests that meet the requirements, as set out above will be processed in accordance with the time limits as set out in the Act. Requestors should take note that requests may be refused based on the following grounds, as set out in the Act:

- mandatory protection of privacy of a third party who is a natural person;
- mandatory protection of commercial information of a third party;
- mandatory protection of certain confidential information of a third party;
- mandatory protection of records privileged from production in legal proceedings;
- commercial information of the private body; and
- mandatory protection of research information of a third party and of the private body.

Requestors will be informed within 30 days of a decision to refuse access to the information requested on one of the above grounds. Please take note that in terms of the Act, the 30-day period maybe extended for a further 30-day period should more time be required to gather the requested information. The requestor will, however, be notified if the initial 30-day notice period is to be extended for a further 30 days.

8 APPEAL

In contrast with the provisions in the Act relating to the establishment of an internal appeal structure in public bodies, the only recourse available to a private body will be to approach a court of law.

9 CLASSES OF RECORDS OF THE COMPANY

9.1 Scope

The Information contained in this chapter is intended to identify the main classes of records held within the company. Further assistance in identifying records held by the company is obtainable from the Information Officer.

9.2 Categories and subjects of records

The following records are kept by the company :

- Financial records;
- Financial Transactions;
- Internal correspondence:
  - Minutes of director's meetings;
  - Minutes of shareholder meetings;
  - Minutes of Management meetings;
  - Correspondence with third parties – 3 years; and
- Agreements
  - Contracts;

9.3 Further information and assistance

Further information regarding the subjects and categories or records listed herein are available from the information officer. Other information as may be prescribed by section 51(1) (f) may be obtained by the Minister of Justice and Constitutional Development.

10 USEFUL REFERENCES

The Human Rights Commission	http://www.sahrc.org.za/paia.htm
The Promotion of Access to Information Act	http://www.gov.za/gazette/acts/2000/a2-00.pdf

Annexure A

Prescribed forms for access to a record of the company

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY [Regulation 10]

FOR DEPARTMENTAL USE

Reference number: _____

Request received by (state rank, name and surname of information officer/deputy information officer) on (date) at (place).

Request fee (if any): R _____

Deposit (if any): R _____

Access fee: R _____

SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer:_____

_____

B. Particulars of person requesting access to the record

(a) The particulars of the person who requests access to the record must be recorded below.

(b) Furnish an address and/or fax number in the Republic to which information must be sent.

(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 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, therefore.

Reason for exemption from payment of fees:

_____

_____

F. Form to request 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) Your indication as to the required form of access depends 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

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*

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)

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* (disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? **A postal fee is payable.**	YES	NO

Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.
In which language would you prefer the record?

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 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 thereof 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