

MANUAL for PENINSULA INDUSTRIES (PTY) LTD

t/a

PENINSULA POWER PRODUCTS



PROMOTION OF ACCESS TO INFORMATION ACT SECTION 51 MANUAL

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.

PENINSULA INDUSTRIES (PTY) LTD OVERVIEW

Peninsula Industries (Pty) Ltd t/a Peninsula Power Products is an engineering and diesel engine servicing company with agency lines and operates principally in South Africa with the Head Office being in Cape Town and a branch in Port Elizabeth.

Peninsula Industries supports the constitutional right of access to information and we are committed to provide you access to our records in accordance with the provisions of the Act, the confidentiality we owe third parties and the principles of South African law.

PART 1: Contact Details

Name of Private Body	PENINSULA INDUSTRIES (PTY) LTD
Designated Information Officer	<i>Mr. John Bruce Lockhart</i>
Email address of Information Officer	<i>penpower@mweb.co.za</i>
Postal address	P.O Box 61 Paarden Eiland 7420
Street address	Invicta House 6 Calcutta Street Paarden Eiland 7405
Phone number	+27 21 511 5061
Fax number	+27 21 511 5441

PART 2: The section 10 Guide on how to use the Act [Section 51(1)(b)]

The Guide will be available from the South African Human Rights Commission by not later than August 2004. Please direct any queries to:

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 11 484-7146
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

PART 3: 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:

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

Skills Development Levies Act 9 of 1999

Unemployment Insurance Act 30 of 1966

PART 4: Records held by PENINSULA INDUSTRIES (PTY) LTD

PENINSULA INDUSTRIES (PTY) LTD maintains 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.

4.1 The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2) [Section 51(1)(c)]

- Product guide
- Tax Clearance Certificate
- BBBEE Verification Certificate
- Compensation – Letter of Good Standing

Available on request by e-mail from penpower@mweb.co.za

4.ii Records that may be requested. A description of the subjects of the records held by the body and the categories in which these subjects are classed [Section 51(1)(e)]

4.ii.1 Internal records

The following are records pertaining to PENINSULA INDUSTRIES (PTY) LTD's own affairs and those of its divisions, subsidiary and associated companies:

- Memorandum and Articles of Association
- Financial records
- Operational records
- Licences
- Intellectual property
- Marketing records;
- Internal correspondence;
- Product records;
- Statutory records;
- Internal policies and procedures;
- Records held by officials of PENINSULA INDUSTRIES (PTY) LTD.

4.ii.2 Personnel records

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

- Any personal records provided to PENINSULA INDUSTRIES (PTY) LTD by their personnel;
- Any records a third party has provided to PENINSULA INDUSTRIES (PTY) LTD about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records; and
- Other internal records and correspondence.

4.ii.3 Customer records

Please be aware that PENINSULA INDUSTRIES (PTY) LTD is very concerned about protecting the confidential information of its customers. Please motivate any request for customer information very carefully, having regard to Sections 63 to 67 of the Act.

Customer information includes the following:

- Any records a customer has provided to PENINSULA INDUSTRIES (PTY) LTD or a third party acting for or on behalf of PENINSULA INDUSTRIES (PTY) LTD;
- Contractual information;
- Customer needs assessments;
- Personal records of customers;
- Credit information and other research conducted in respect of customers;
- Any records a third party has provided to PENINSULA INDUSTRIES (PTY) LTD about customers;

- Confidential, privileged, contractual and quasi-legal records of customers;
- Customer evaluation records;
- Customer profiling;
- Performance research conducted on behalf of customers or about customers;
- Any records a third party has provided to PENINSULA INDUSTRIES (PTY) LTD either directly or indirectly; and
- Records generated by or within PENINSULA INDUSTRIES (PTY) LTD pertaining to customers, including transactional records.

4.ii.4 Technical records

- **Please advise;**

4.ii.5 Other Parties

Records are kept in respect of other parties, including without limitation contractors, suppliers, joint ventures, service providers and general market conditions. In addition, such other parties may possess records, which can be said to belong to PENINSULA INDUSTRIES (PTY) LTD. The following records fall under this category:

- Personnel, customer or PENINSULA INDUSTRIES (PTY) LTD records which are held by another party as opposed to being held by PENINSULA INDUSTRIES (PTY) LTD; and
- Records held by PENINSULA INDUSTRIES (PTY) LTD pertaining to other parties, including financial records, correspondence, contractual records, electronic mail, logs, cached information, records provided by the other party, and records third parties have provided about the contractors/suppliers or customer.

4.ii.6 Other Records

Further records are held including:-

- Information relating to PENINSULA INDUSTRIES (PTY) LTD's own commercial activities; and
- Research carried out on behalf of a client by PENINSULA INDUSTRIES (PTY) LTD or commissioned from a third party for a customer;
- Research information belonging to PENINSULA INDUSTRIES (PTY) LTD, whether carried out itself or commissioned from a third party.

4.iii The request procedures

Form of request:

- The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].
- The requester must provide sufficient detail on the request form to enable the head of the private body 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 [s 53(2)(a) and (b) and (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 [s 53(2)(d)].
- If a request is made on behalf of a another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body [s 53(2)(f)].

Fees:

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [s 54(1)].
- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].
- After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

PART 5: Other information as may be prescribed [Section 51(1)(f)]

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

PART 6: Availability of this Manual

A copy of this Manual is available on our website (www.penpower.co.za) or by sending a request for a copy to the Information Officer by email. The Manual may also be obtained from our head office, the South African Human Rights Commission (“SAHRC”) at the addresses set out below or from the Government Printers. This Manual will be updated from time to time, as and when required.