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INFORMATION MANUAL

OF

IBL AFRICA (PTY) LTD

Prepared in accordance with section 51 of the Promotion of access to information

Act No.: 2 of 2000

("the Act")



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1 INTERPRETATION

- 1.1** In the Information Manual, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention – an expression which denotes -
 - 1.1.1 any gender includes the other genders;**
 - 1.1.2 a natural person** includes an artificial or juristic person and vice versa;
 - 1.1.3 the singular includes the plural and vice versa;**
 - 1.1.4** the following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings -
- 1.2 "the Information Manual"** – the Information Manual together with all of its annexures, as amended from time to time;
- 1.3 "the company"** - IBL AFRICA (PTY) LTD
- 1.4 "the Act"** - Promotion of Access to Information Act No. 2 of 2000, as amended from time to time including the regulations promulgated in terms of the Act;
- 1.5 "information officer"** - the person duly authorised by the head of the company and appointed by the company to facilitate or assist the head of the company with any request in terms of the Act.
- 1.6** any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation, or other legislation as at the signature date, and as amended or substituted from time to time;
- 1.7** if any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of the Information Manual;
- 1.8** where any term is defined within a clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in the information Manual;
- 1.9** where any number of days is to be calculated from a day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number

so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day;

- 1.10 any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months, or years, as the case may be;
- 1.11 the use of the word "including" followed by a specific example/s shall not be construed as limiting the meaning of the general wording preceding it and the
- 1.12 ejusdem generis rule shall not be applied in the interpretation of such general wording or such specific example/s;
- 1.13 insofar as there is a conflict in the interpretation of or application of the Information Manual and the Act, the Act shall prevail;
- 1.14 the Information Manual does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Act.
- 1.15 A requester is advised to familiarize themselves with the provisions of the Act before lodging any request with the company.

2 PURPOSE

- 2.1 To facilitate the requests for access to company information as provided for in the Act.

3 COMPANY CONTACT DETAILS

- 3.1. **Company name** : IBL Africa (Pty) Ltd – Food Safety and Risk Management
Auditors and Consultants
- 3.2. **Registration no.** : 1997/022556/07
- 3.3. **Information officer** : Anthony Chemaly – CEO
- 3.4. **Head of Organisation** : Benjamin St Clair Hood
- 3.5. **Postal Address** : POSTNET Suite #247, Private Bag X26, Tokai, 7966
- 3.6. **Physical Address** : Unit 6, Milton's Way, 11 Bell Crescent, Westlake Business Park,
7945, South Africa
- 3.7. **Telephone** : +27 21 790 0148
- 3.8. **Website** : www.iblafrica.com
- 3.9. **E-mail address** : achemaly@iblafrica.com

4 SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE

- 4.1. The Act grants a requester access to records of a private body, 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.
- 4.2. Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are provided for in sections 6 and 7 of the Act.
- 4.3. Requestors are referred to the Guide in terms of section 10 of the Act, containing information to assist any person who wishes to exercise any right as contemplated in the Act.
- 4.4. **The contact details of the South African Human Rights Commission: -**

PAIA Unit (The Research and Documentation Department)

Postal address : Private Bag, X 2700, Houghton, 2041
Telephone : +27 11 877 3600
Fax : +27 11 403 0682
Website : www.sahrc.org.za

5 THE LATEST NOTICE IN TERMS OF SECTION 52 (2) IF ANY

- 5.1. At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of the Act.
- 5.2. Personal records captured and filed by the Company and disciplinary and performance related and training attendance information is made available only to that particular employee.
- 5.3. The Company policies and procedures manual is available for all employees to access

6 RECORDS AVAILABLE IN TERMS OF SECTION 51 (1) (C) (D) OF THE ACT)

The following are not automatically available without a request in terms of the Act:

6.1 COMPANY RECORDS

6.1.1 Documents of incorporation

6.1.2 Memorandum and Articles of Association

6.1.3 Minutes of Board of Directors meetings

6.1.4 Records relating to the appointment of directors/ auditor/ secretary/public officer and other officers

6.1.5 Share Register and other statutory registers

6.2 INCOME TAX RECORDS

6.2.1 All statutory returns

6.2.2 VAT

6.2.3 Workmen's Compensation

6.2.4 UIF

6.2.5 PAYE records

6.2.6 Documents issued to employees for income tax purposes

6.2.7 Skills development levies

6.2.8 All documents concerning compliance with Occupational Health and Safety Act No.85 of 1993, National Environmental Management Act, 1998.

6.3 FINANCIAL RECORDS

6.3.1 Annual Financial Statements

6.3.2 Bank statements

6.4 MARKETING

- 6.4.1 Marketing material*
- 6.4.2 Trademarks*
- 6.4.3 Corporate Governance documentation*
- 6.4.4 Client information*
- 6.4.5 Records provided by a third party*
- 6.4.6 Operational records*
- 6.4.7 Supplier lists*
- 6.4.8 Data bases*
- 6.4.9 Information related to Information technology*

6.5 HUMAN RESOURCES

- 6.5.1 Employment Contracts*
- 6.5.2 Medical Aid records*
- 6.5.3 Compensation and benefit documentation*
- 6.5.4 Salary data*
- 6.5.5 Disciplinary code and procedure*
- 6.5.6 Company policies and procedures*
- 6.5.7 Employee Records*
- 6.5.8 Leave records*
- 6.5.9 Training registers*
- 6.5.10 Training manuals*
- 6.5.11 SETA reporting*
- 6.5.12 Employment Equity reports*

7 RECORDS AVAILABLE WITHOUT A REQUEST

- 7.1 Records of a public nature*

8 RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

8.1 Where applicable, **IBL Africa** retains records and documents in terms of the legislation listed below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the provisions stipulated in the Act, the below mentioned legislation applicable internal policies and procedures, should such interested parties be entitled to such information. A request to access must be done in accordance with the prescription of the Act.

8.1.1 *Basic Conditions of Employment Act, 1997*

8.1.2 *Companies Act, 2008 (Act No. 71 of 2008)*

8.1.3 *Compensation for Occupational Injuries and Diseases Act, 1993*

8.1.4 *Consumer Protection Act, 2008*

8.1.5 *Electronic Communications and Transactions Act, 2002*

8.1.6 *Employment Equity Act, 1998*

8.1.7 *Income Tax Act, 1967*

8.1.8 *Labour Relations Act, 1995*

8.1.9 *Meat Safety Act, 2000*

8.1.10 *National Environmental Management Act, 1998*

8.1.11 *Occupational Health and Safety Act, 1993*

8.1.12 *Promotion of Access to Information Act, 2000*

8.1.13 *Skills Development Act, 1998*

8.1.14 *Skills Development Levies Act, 1999*

8.1.15 *Unemployment Insurance Act, 2001*

8.1.16 *Unemployment Insurance Contributions Act, 2002*

8.1.17 *Value-Added Tax Act, 1991*

It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this information Manual.

9 REQUEST PROCEDURE IN TERMS OF S 51 (E) AND (56)

- 9.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 9.2 The requester must complete the prescribed form (**Annexure “A”**) enclosed and is also available on the Department of Justice and Constitutional Development website via www.doj.gov.za and submit same as well as payment of a requester fee as stipulated in Clause 10 and deposit (if applicable) to the Information Officer at the postal address or e-mail address specified in Clause 3.
- 9.3 The same procedure as set out in 9.1 and 9.2 applies if the requester is requesting information on behalf of another person or on behalf of a permanent employee of the company.
- 9.4 The head of the company, shall within 30 (thirty) days or as soon as is reasonably possible after the request has been received, decide whether to grant the request.
- 9.5 The requester will be notified of the decision of the head of the company or the request liaison officer in the manner indicated by the requester.
- 9.6 If the request is granted, the requester shall be informed by the head of the company or the Information officer in the manner indicated by the requester on the prescribed form.
- 9.7 Notwithstanding the afore-going, the company will advise the requester in the manner stipulated by the requester on the prescribed form of -
 - 9.7.1 the access fee to be paid for the information;
 - 9.7.2 the format in which access will be given; and
 - 9.7.3 the fact that the requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted.
- 9.8 After access is granted, actual access to the record requested will be given as soon as reasonably possible.
- 9.9 If the request for access is refused, the head of the company or the information officer shall advise the requester in writing of the refusal.

- 9.10 The notice of refusal shall state -
- 9.10.1 adequate reasons for the refusal;
- 9.10.2 that the requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request (including the period) for lodging such an appeal.
- 9.11 Upon the refusal by the head of the company or the request liaison officer, the deposit paid by the requester will be refunded.
- 9.12 If the head of the company or the information officer fails to respond within 30 (thirty) days after a request has been received, it is deemed, in terms of sections (56), (58 (1) of the Act, that the head of the company or the Information Officer have refused the request.
- 9.13 The head of the company may decide to extend the period of 30 (thirty) days
- 9.14 ("**original period**") for another period of not more than 30 (thirty) days if –
- 9.14.1 the request is for many records;
- 9.14.2 the search for the records is to be conducted at premises not situated in the same town or city as the head office of the company;
- 9.14.3 consultation among divisions or departments of the company is required;
- 9.14.4 the requester consents to such an extension in writing; and
- 9.14.5 the parties agree in any other manner to such an extension.
- 9.15 Should the company require an extension of time, the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.
- 9.16 The requester may lodge an appeal with a court of competent jurisdiction against any extension or against any procedure set out in this section.

10 PRESCRIBED REQUEST FEES (S 54) (1)

- 10.1 A requestor is required to pay the prescribed fee amounting to R50.00 before a request will be processed;
- 10.2 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);
- 10.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 10.4 The head of a private body may withhold a record until the requester concerned has paid the applicable fees.
- 10.5 The fee structure is available on the DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT website in the PAIA regulations schedule via https://www.justice.gov.za/legislation/regulations/r2001/2001_223_access%20to%20info.pdf

11 INFORMATION OR RECORDS NOT FOUND

- 11.1 If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, the information officer shall notify the requester, by way of an affidavit or affirmation, that it is not possible to provide access to the requested record.
- 11.2 The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the information officer with every person who conducted the search.
- 11.3 The notice, as set out in 12.1, shall be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.
- 11.4 If the record in question should later be found, the requester shall be provided access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the head of the company or the information officer.
- 11.5 The Information Officer should pay attention to Section 55 (1), if in terms of the said section, the record in question is found, the requester concerned must be given access to the record unless access is refused on a grounds for refusal contemplated in Chapter 4 of this Part.

12 INFORMATION REQUESTED ABOUT A THIRD PARTY

Section (71) of the Act makes provision for a request for information or records about a third party.

- 12.1 When considering such a request, the company will adhere to the provisions of sections (71 to 74) of the Act.
- 12.2 The attention of the Information Officer is drawn to the provisions of Chapter 5 of Part 3 of the Act in terms of which the company is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties.
- 12.3 In addition, the provisions of Chapter 2 of Part 4 of the Act entitle third parties to dispute the decisions of the head of the company or the request liaison officer by referring the matter to the High Court.

13 UPDATING OF MANUAL

The company may update this manual every two (2) years or at such intervals as may be necessary.

ANNEXURE "A"

J752



REPUBLIC OF SOUTH AFRICA

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

A. Of private body The Head:

1. B. Of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
(b) The address and/or fax number in the Republic to which the information is to be sent must be given. (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--

Postal address:

Telephone number: (.....) Fax number: (.....)

E-mail address:

Capacity in which request is made, when made on behalf of another person:

2. C. 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:

--	--	--	--	--	--	--	--	--	--	--	--	--	--

3. D. 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 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:

.....

.....

.....

.....

4. E. Fees

- (a) A request for access to a record, other than a 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 for exemption.

Reason for exemption from payment of fees:

.....

.....

.....

.....

.....

5. F. Form of access to 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 below, 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) Compliance with your request for access in the specified form may depend 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* (stiffy or compact disc)

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

6. G. Of right to be exercised or protected

If the provided space is inadequate, please continue 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:

.....

.....

.....

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

.....

.....

.....

7. 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 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..... ofyear

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