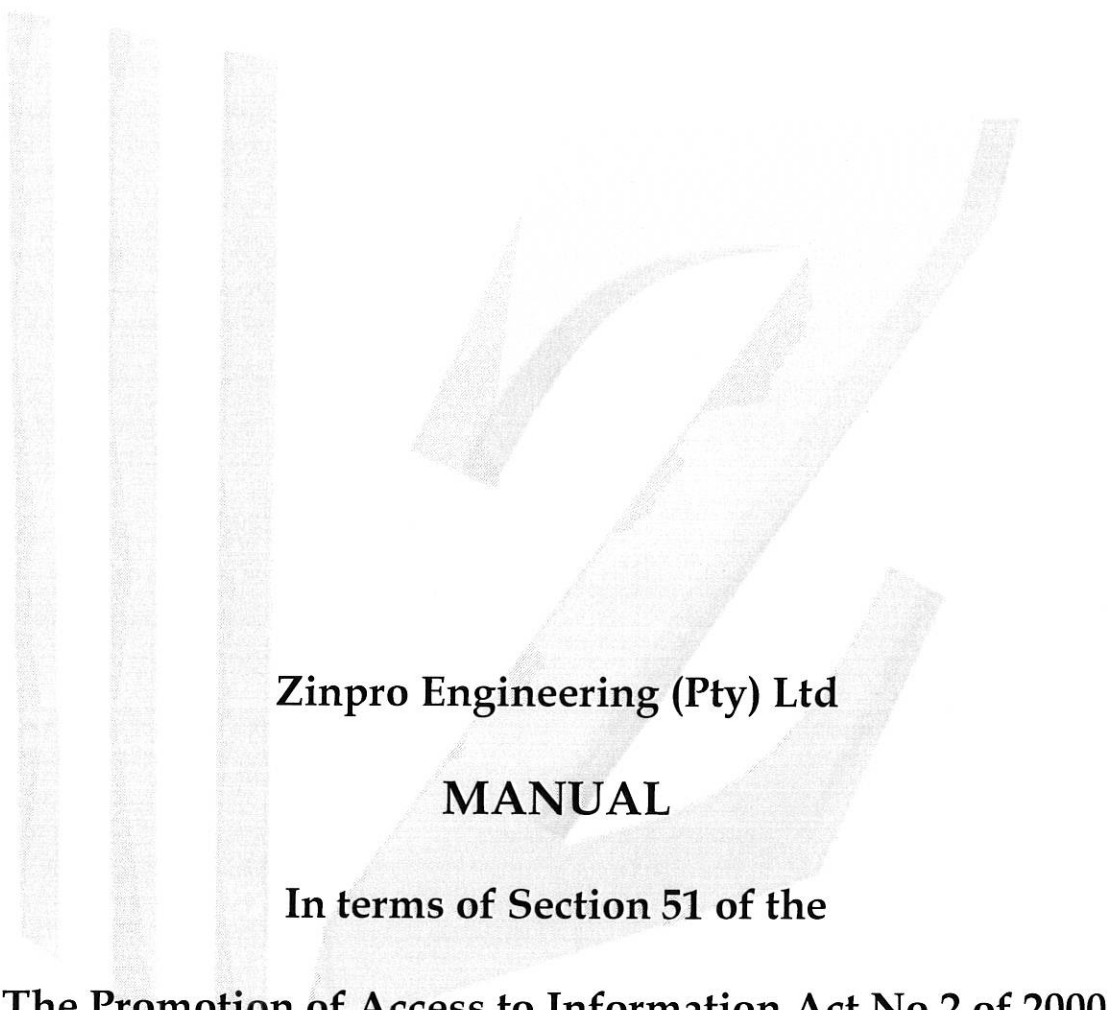




Zinpro Engineering (Pty) Ltd

MANUAL

In terms of Section 51 of the

The Promotion of Access to Information Act No 2 of 2000

ZINPRO

ENGINEERING

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1. GENERAL INFORMATION

Name of Company

- Zinpro Engineering (PTY) Ltd

Registration number

- 2010/006669/07

Introduction

- Zinpro Engineering (Pty) Ltd conducts business as an Engineering, procurement and construction management company, specializing in turnkey construction projects for the mining industry. Zinpro Engineering is a dynamic company offering clients a one-stop-shop covering all disciplines including civil, structural, mechanical, electrical and instrumentation and execute and manage the process from design, procurement and construction management through to commissioning. Zinpro Engineering developed a unique partnership model which facilitates a flexible, effective and efficient project initiation and execution process with major cost benefits to the clients.

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2. COMPANY CONTACT DETAILS

Directors

- W.H. Byleveld Operations Director
- N.C. Shelley Managing Director
- C. Shelley Financial Director

Office Manager

- C. Shelley Financial Director

Postal Address

- Postnet Suite 114
Private Bag X0001
Ifafi
0260

Street Address

- Wapadhuis
79 Ou Wapad St
Ifafi
0260

Telephone Number

- +27 (12) 941 0873

Fax Number

- +27 (86) 651 7740

Website

- www.zinpro.co.za

Zinpro Engineering 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.

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3. THE ACT

Section 50(1) of the ACT states:

A requester must be given access to any record of a private body if-

- a. That record is required for the exercise or protection of any rights
- b. That person complies with the procedural requirements of the Act relating to a request for access to that record; and
- c. Access to that record is not refused in terms of any ground for refusal as contemplated in chapter 4 of the Act.

The Regulations regarding Promotion of Access to Information Act published under Government Gazette No 187 of 15 February 2002 set forth how the human Rights Commission should make the Guide Available.

4. APPLICABLE LEGISLATION

NO	REF	ACT
1	No 61 of 1973	Companies Act
2	No 55 of 1998	Employment Equity Act
3	No 95 of 1967	Income Tax Act
4	No 66 of 1995	Labour Relations Act
5	No 89 of 1991	Value Added Tax Act
6	No 75 of 1997	Basic Conditions of Employment Act
7	No 2 of 2000	Promotion of Access of Information Act
8	No 30 of 1996	Unemployment Insurance Act
9	No 91 of 1964	Customs and Excise Act
10	No 85 of 1993	Occupational health and Safety Act

5. ACCESS TO RECORDS AND AVAILABILITY

Access to records

- A requestor will only be given access to a record(s) held by Zinpro Engineering if:
 - ✧ The record is required for the exercise or protection of a right;
 - ✧ The requester has complied with all the procedural requirements relating to a request for access to a particular record including making the request in the prescribed format; and

- ✧ Access to that record is not refused in terms of any ground for refusal.

Availability of this manual

- A copy of this Manual is available by sending a request for a copy to the Information Officer / Office Manager by email. The Manual may also be obtained from the South African Human Rights Commission ("SAHRC") at the address set out below.

Section 10: Guide on how to use the Act

- The Guide referred to in Section 10 of the Act is a guide that must be compiled by the Human Rights Commission containing such information as may be reasonably required by a person who wishes to exercise any right contemplated in the Act. The Regulations regarding the promotion of Access to Information Act published under Government Gazette No 187 of February 2002 set forth how the Human Rights Commission should make the Guide will be available from the Human rights Commission, unless otherwise specified and enquiries can be directed to:
- The South African Human Rights Commission
 - Postal Address: Private Bag 2700
Houghton, 2041
 - Telephone: +27 11 484 8300
 - Fax: +27 11 484 0582
 - Website: www.sahrc.org.za
 - Email: paia@sahrc.org.za

Procedures for obtaining access

- Requests for access to records held by Zinpro Engineering must be made on the request forms (Annexure A) that are available from the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za). You can submit a request without paying the request fee but

please note that payment of the prescribed fees must be made before the request will be processed.

- Requests for access to records must be made to our Information Officer / Office Manager at the address, fax number or electronic mail address provided for above.
- The Requester must provide sufficient detail on the request from to enable the Information Officer / Office Manager 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 Information Officer / Office Manager of Zinpro Engineering.
- Subject to Zinpro Engineering's rights relating to extensions in terms of the Act, it will process the request within 30 (thirty) days of receipt unless the requester has submitted special reasons, to Zinpro Engineering's reasonable satisfaction, in support of a request that the above time periods be dispensed with.
- Kindly note that all requests for Zinpro Engineering 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 Zinpro Engineering does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.



IMPORTANT: A request for access to records will only be deemed to have been made once the form has been received by our office.

The prescribed time periods will not commence until all pertinent information has been furnished on the private body by the requester.

6. FORM OF REQUEST

See Annexure A

7. PRESCRIBED FEES

Payment of fees is regulated in terms of section 54 of the Act. The regulations to the Act provide for two types of fees:

- **Request fee:** This is a non-refundable administration fee paid by all requestors with the exclusion of personal requesters. It is paid before the request is considered.
- **Access fee:** This is paid by all requesters only when access is granted. This fee is intended to reimburse the private body for the costs involved in searching for a record and preparing it for delivery to the requester.
- 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).

Zinpro Engineering may withhold a record until the request fee and deposit (if applicable) have been paid. A schedule of the prescribed fees are attached as **ANNEXURE B** to the manual.

The fee structure is available on the website of the South African Human Rights Commission at www.sahrc.org.za, or the website of The Department of Justice and Constitutional Development (under regulations) at <http://www.doj.gov.za/>.

Requester other than Personal Requester

- The Information Officer / Office Manager must give written notice to a requester other than a personal

requester of the request fee and amount to be paid before the request may be further processed

- If in the Information Officer / Office Manager's opinion the search for a record, or preparation of the record for disclosure will require the requester to pay a deposit, not being more than one third of the access fee that would be payable if the request is granted. If the request is declined, the deposit must be repaid to the requester.
- The notice given by the information officer must advise the requester that he/she has a right to apply to court against the payment of the request fee or deposit, and also advise of the procedure of the application.

Personal Requester

- A personal requester is described in terms of the Act as a requester seeking to a record containing information about the requester.
- A personal requester is not liable to pay a request fee, is liable for payment of access fees in the event of a request being granted, but may not be required to pay a deposit before the granting of the record.

8. TYPE OF RECORDS

See Annexure C

9. DECISION MAKING PROCESS

- The Information Officer / Office Manager will take all reasonable steps to find a record that has been requested.
- The Information Officer / Office Manager will respond within 30 days.
- The said 30 day period may be extended for a further period of not more than 30 (thirty) days if the request is for a large number of records, or the request requires a search for information which cannot reasonably be obtained within the original 30 day period. The Information Officer / Office Manager will notify the requester in writing should an extension be sought.
- The requester will be advised if the request is declined.

10. THIRD PARTIES

- If the request is for a record pertaining to a third party, the Information Officer / Office Manager will need to communicate with the third party first before responding.

11. GROUND FOR REFUSAL OF A REQUEST

The Information Officer / Office Manager may, in certain circumstances, not be able to meet a request. If this is the case, the Information Officer / Office Manager will inform the requester in writing of the refusal of the request and the reason for it.

Zinpro Engineering may refuse a request for information on, inter alia, the following basis:

- The mandatory protection of the privacy of a third party who is a natural person, in order to avoid the unreasonable disclosure of personal information concerning that natural person (including a deceased individual).
- The mandatory protection of the commercial information of a third party, if the record contains:
 - ✧ Trade secrets of that third party
 - ✧ Financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or
 - ✧ Information supplied in confidence by a third party, the disclosure of which could reasonably be expected:
 - To put that third party at a disadvantage in contractual or other negotiations; or
 - To prejudice that third party in commercial competition.
- The mandatory protection of confidential information of third parties if disclosure would constitute an action for breach of a duty of confidence owed to that third party in terms of an agreement.
- The mandatory protection of the safety of individuals and the protection of property.

- The mandatory protection of records which would be privileged from production in legal proceedings.
- The protection of Zinpro Engineering's commercial activities including, without limitation, records that contain:
 - ✧ Zinpro Engineering's trade secrets
 - ✧ Financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or
 - ✧ Information, the disclosure of which could reasonably be expected:
 - To put Zinpro Engineering at a disadvantage in contractual or other negotiations; or
 - To prejudice Zinpro Engineering in commercial competition.
- Requests for information that are in Zinpro Engineering's reasonable opinion, manifestly frivolous or vexatious or which involve an unreasonable diversion of resources.

12. RIGHT OF APPEAL

- A requester that is dissatisfied with the information officer's refusal to grant access to any information may, within 30 days of notification of the decision, apply to court for relief. Likewise, a third party dissatisfied with the Information Officer / Office Manager's decision to grant a request may, within 30 days of notification of the decision, apply to court for relief.

