

# PROMOTION OF ACCESS TO INFORMATION ACT

## SECTION 51 MANUAL

### ROKWIL (PTY) LTD

This manual is prepared in accordance with Section 51 of the Promotion of Access to Information Act, 2000 (Act 2 of 2000) (“the Act”).

This manual serves to inform members of the public of the categories of information we hold and which may, subject to the grounds of refusal listed in the Act, be disclosed after evaluation of an access application being made in terms of the Act.

Rokwil (Pty) Ltd

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## 1. COMPANY OVERVIEW

Rokwil (Pty) Ltd was established in 2001 and is an integrated property development and civils operation. Rokwil's head office is in Hillcrest and incorporates a number of related entities, the largest of which is its civil engineering and bulk earthworks company, Rokwil Civils (Pty) Ltd.

Rokwil Civils was established in 2015 and offers mass earthworks projects to the delivery of infrastructure such as sewer, water and roads. Our target market is large projects within the region, a number of which we have successfully delivered and completed over the last few years.

## 2. COMPANY DETAILS

*(Information required under section 51(1)(a) of the Act)*

Name of Company	Rokwil (Pty) Ltd
Physical Address	8 Bishops Court, Warrior Road, Hillcrest, 3630
Postal Address	39 Willingdon Avenue, Kloof, 3610
Head of Company	Rod Stainton
Telephone Number	+27 31 003 0896
Email	<a href="mailto:rod@rokwil.com">rod@rokwil.com</a>

## 3. GUIDE OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

*(Information required under section 51(1)(b) of the Act)*

A guide to the Act is available from the South African Human Rights Commission. The guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act.

Any enquiries on how to use the Act should be directed to:

The South African Human Rights Commission  
PAIA Unit (the Research and Documentation Department)  
Private Bag 2700  
Houghton  
2041  
Telephone: +27 11 484 8300  
Email: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

#### 4. INFORMATION AVAILABLE WITHOUT REQUEST

*(Information required under section 51(1)(c) of the Act)*

Records of information needed in the day-to-day running of the Company are available without a person having to request access in terms of this Act. This information is of little or no use to persons outside the company. Examples of such information are internal phone lists, company policies, contracts, employee records and general accounting records.

#### 5. PERSONAL RECORDS

*(Information required under section 51(1)(d) of the Act)*

Records of personal information are kept in accordance with legislation as is applicable to Rokwil (Pty) Ltd, which includes but is not limited to:

- Companies Act 71 of 2008
- Income Tax Act 58 of 1962
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991
- Basic Conditions of Employment Act 75 of 1997
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Occupational Health and Safety Act 85 of 1993
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Broad-based Black Economic Empowerment Act 53 of 2003
- Electronic Communications Act 36 of 2005
- Promotion of Access to Information Act 2 of 2002
- Protection of Personal Information Act 4 of 2013
- Protected Disclosures Act 26 of 2000
- National Road Traffic Act 93 of 1996

#### 6. CATEGORIES OF RECORDS HELD BY THE COMPANY

*(Information required under section 51(1)(e) of the Act)*

We hold records in the categories listed below. **The fact that we list a record type here does not necessarily mean that we will disclose such records**, and all access is subject to the evaluation processes outlined herein, which will be exercised in accordance with requirements of the Act.

##### 6.1 Companies Act Records

- Documents of incorporation

- Memorandum of Incorporation
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors and other officers

## **6.2 Financial Records**

- Annual Financial Statements
- Tax Returns
- Accounting records
- Banking records
- Bank statements
- Electronic banking records
- Assets register
- Rental agreements
- Invoices

## **6.3 Tax Records**

- PAYE records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances (VAT, Skills Development Levies, UIF, Workmen's Compensation)

## **6.4 Personnel Documents and Records**

- Employment contracts
- References from previous employers
- Employment Equity Plan
- Disciplinary records
- Termination records
- Performance records
- Salary records
- Disciplinary code
- Leave records
- Training records
- Training manuals
- Training plan

## **6.5 Operational Information**

- Internal phone and email lists
- Company Whatsapp groups?
- Address lists
- Biometrics
- Licences
- Tender applications
- Consents

- Policies and procedures
- Marketing records
- Insurance records

#### **6.6 Client Records**

- Client lists
- Funding records
- Agreements
- Consents
- Needs assessments
- Financial and accounts information
- Research information
- Evaluation records
- Profiling and similar information

#### **6.7 Supplier and Service Provider Records**

- Supplier registrations
- Contracts
- Confidentiality agreements and non-disclosure agreements
- Communication
- Delivery records
- Commissioned work and similar information

##### **a. Communications**

Correspondence between persons within and without Rokwil (Pty) Ltd unless deemed private and confidential

#### **6.9 Website**

The website address is <http://www.rokwil.com> and is accessible to anyone who has access to the internet. The website contains various categories of information relating to the company.

## **7. PROCESSING OF PERSONAL INFORMATION**

The Company uses the personal information under its care in the following ways:

- Administration of collective investment schemes
- Rendering service according to instructions given by clients
- Staff administration
- Keeping of accounts and records
- Complying with tax laws

Details of employees may include: gender, pregnancy, marital status, colour, age, language, education information, financial information, employment history, ID number, finger prints, physical and postal address, contact details, opinions, criminal behaviour and well-being.

## 8. REQUEST PROCEDURE

Records held by the Company may be accessed on request only once the requirements for access have been met. A requester is any person making a request for access to a record of the Company and in this regard, the Act distinguishes between two types of requesters, namely:

### **Personal Requester**

A personal requester is a requester seeking access to a recording containing personal information about the requester. Subject to the provisions of the Act and applicable law, the Company will provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of information will be charged by the Company.

### **Other Requester**

This requester (other than a personal requester) is entitled to request access to information pertaining to third parties. However, the Company is not obliged to grant access prior to the requester fulfilling the requirements for access in terms of the Act. The prescribed fee for reproduction of the information will be charged by the Company.

A requester must comply with all the procedural requirements contained in the Act relating to a request for access to a record. The requester must complete the prescribed access form (Annexure A) to make the request for access to a record. The completed form, together with payment of a request fee and deposit (if applicable) must be submitted to the head of Rokwil (Pty) Ltd, or the authorised Deputy Information Officer, using the company postal, physical or email address provided above.

The form requires the requester to provide the following information:

- sufficient detail to enable the Information Officer to identify the requester
- sufficient detail to enable the Information Officer to identify the record/s requested
- the form of access required
- the requester's postal address in South Africa or an email address
- identification of the right sought to be exercised or protected
- an explanation on why the requested record is required to exercise or protect that right
- the manner in which the requester wishes to be informed of the decision on the request if in a manner in addition to written notification
- if a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request, to the satisfaction of the head of Rokwil (Pty) Ltd.

A requester must state that he or she requires the information in order to exercise or protect a right, and clearly state the nature of the right to be exercised or protected. The requester must also provide an explanation of why the request record is required for the exercise or protection of that right.

Requesters are cautioned that failure to provide all of the information listed above will delay the process while the company requests this additional information. The prescribed time period will not commence until all pertinent information has been submitted by the requester.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the Information Officer.

The Company will process a request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that this time period not be complied with.

The requester shall be informed in writing whether access has been granted or denied. If the requester requires the reason/s for the decision in any other manner, he or she must state the manner and the particulars required.

## 9. GROUNDS FOR REFUSAL OF A REQUEST

Potential requesters are cautioned that a request may be declined in accordance with one of the prescribed grounds in terms of the Act, namely:

**Section 63** of the Act prohibits unreasonable disclosure of the personal information of third parties to requesters. This includes the personal information of deceased persons. Section 63(2) does provide exceptions to this which should be borne in mind by the Information Officer considering such a request.

**Section 64** mandates that a request must be refused if it relates to records containing third party information pertaining to:

- trade secrets;
- financial, business, scientific or technical information where disclosures would be likely to cause harm to the business or financial interests of that third party; or
- information supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in business competition.

**Section 65** prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement.

In terms of **Section 66**, a company must refuse a request if disclosure could reasonably be expected to:

- endanger the life or physical safety of an individual;
- prejudice or impair the security of a building, structure or system, means of transport or other property; or
- methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public.

**Section 67** mandates the refusal of a request if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived. It.

Similar to Section 64, **Section 68** pertains to records containing information about the Company itself and, unlike the other provisions pertaining to decline of a request, is discretionary rather than mandatory. The Company may refuse access to a record if the record:

- contains trade secrets of the Company;
- financial, business, scientific or technical information where disclosures would be likely to cause harm to the business or financial interests of the Company;

- contains information which, if disclosed, could reasonably be expected to put the Company at a disadvantage in contractual or other negotiations, or prejudice the Company in business competition; or
- consists of a computer programme owned by the Company.

**Section 69** prohibits the disclosure of information about research where disclosure is likely to expose the third party, the person conducting the research on behalf of the third party, or the subject matter of the research to a serious disadvantage. Disclosure is discretionary if such research pertains to the Company itself.

Notwithstanding any of the above provisions, **section 70** provides that a record must be disclosed if its disclosure would:

- reveal evidence of a substantial contravention of, or failure to, comply with the law, or imminent and serious public safety or environmental risk; and
- the public interest in the disclosure clearly outweighs the harm.

## **10. REFUSAL OF REQUEST FOR INFORMATION**

### **10.1 Internal Remedies**

The Company does not have internal appeal procedures. As such, the decision made by the Information Officer pertaining to a request is final. Requesters will have to exercise external remedies at their disposal if a request is refused, and the requester is not satisfied with the response provided by the Information Officer.

### **10.2 External Remedies**

A requester that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a court for relief. Likewise, a third party dissatisfied with the Information Officer's refusal to grant a request for information, may within 30 days of notification of the decision, apply to a court for relief. For purposes of the Act, courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## **11. DECISION**

The Company will, within 30 days of receipt of a request, decide whether to grant or decline a request and give notice with reasons (if required) to that effect. The 30-day period within which the Company has to decide whether to grant or refuse a request, may be extended for a further period of not more than 30 days if the request is for a large quantity of information, or the request requires a search for information held at another office of the Company and the information cannot reasonably be obtained within the original 30-day period.

The Information Officer will notify the requester in writing should an extension be necessary.

## 12. PRESCRIBED FEES

The Act provides for two types of fees, namely:

### 12.1 Request Fee

A Request Fee of is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered. The Request Fee is **R75** and is not refundable.

<b>Reproduction of Information Fees</b>	<b>Fee</b>
Information in an A4 size page photocopy or part thereof	R1,10
A printed copy of an A4 page or part thereof	R0,75
A copy in computer-readable format: <ul style="list-style-type: none"><li>• Stiffy Disk</li><li>• Compact Disk (CD)</li></ul>	R7,50 R70,00
A transcription of an audio record for an A4-siza page or part thereof	R20,00
A copy of an audio record	R30,00
A transcription of visual images in an A4-siza page or part thereof	R40,00
A copy of visual images	R60,00

### 12.2 Access Fee

An Access Fee is paid by all requesters in the event that a request for information is granted, except in those instances where payment of an Access Fee is excluded in terms of the Act Section 54(8).

After the Information Officer 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 reproduction and for search and preparation and for any time that has exceeded the prescribed six hours to search and prepare the record for disclosure.

If the Search for the record has been made and the preparation of the record for disclosure, requires more than the hours prescribed in the regulations for this purpose, the Information Officer will notify the requester to pay, as a deposit, one-third of the prescribed portion of the Access Fee which would be payable if the request is granted.

The Information Officer shall withhold a record until the requester has paid the fees as indicated in the prescribed Fee Structure below.

<b>Access of Information Fees</b>	<b>Fee</b>
Information in an A4 size page photocopy or part thereof	R1,10
A printed copy of an A4 page or part thereof	R0,75
A copy in computer-readable format: <ul style="list-style-type: none"><li>• Stiffy Disk</li><li>• Compact Disk (CD)</li></ul>	R7,50 R70,00
A transcription of an audio record for an A4-siza page or part thereof	R20,00
A copy of an audio record	R30,00
A transcription of visual images in an A4-siza page or part thereof	R40,00
A copy of visual images	R60,00

A search for a record (per hour or part thereof) that must be disclosed reasonably required for such search	R30,00
Where a copy of a record needs to be posted, the actual postal fee is payable	

### **13. AVAILABILITY OF THIS MANUAL**

*(Information required under section 51(3) of the Act)*

This Manual will be updated on a regular basis. A copy of the Manual is available for inspection, on reasonable prior notice, free of charge, at the following places:

- At our reception desk at our head office in Hillcrest
- On request from the Information Officer
- On our website [www.rokwil.com](http://www.rokwil.com)

Copies of the manual of the Company are also available from the South African Human Rights Commission (SAHRC) at the address and/or telephone numbers published by the Commission.