



TECHNIMARK

INFORMATION MANUAL

Compiled in terms of section 51 of
The Promotion of Access to Information Act 2 of 2000
providing guidance on how to request information from
Technimark Prototyping Services CC
(and its subsidiaries)

1. INTRODUCTION

The Promotion of Access to Information Act 2 of 2000 (“**the Act**”) gives effect to the right of access to information that is contained in S32 of the Constitution. Section 32 of the Constitution provides that everyone has the right to access any information held by the State or by another person, where such information is required for the exercise or protection of any rights.

The Act accordingly requires that procedures be put in place by public and private bodies to enable persons to obtain access to records swiftly, inexpensively and effortlessly. In terms of the Act, a private body includes juristic entities such as Close Corporations.

One of the requirements specified in the Act is that a manual shall be made available that provides information on the types and categories of records held by a public or private body and the process that must be followed when requesting information related to such records.

This document serves as the Information Manual of **Technimark Prototyping Services CC** (and its subsidiaries) (“**Technimark**”) as required in terms of the Act. **Technimark** is a Close Corporation that designs and manufactures products in various industries.

2. COMPANY INFORMATION

The Chief Executive Officer of Technimark appointed the following individual as the Information Officer who will be responsible for dealing with requests for records and information:

Information Officer: Thora Stephanie Du Toit
Physical address: 19 Cecil Morgan Street Stikland, Bellville 7530 Postal
Postal Address: P O Box 4554 Tygervalley, 7536
Telephone: 021 976 0333
Fax: 0866 72 38 74
e-mail address: info@thoradutoit.co.za
Websites: www.technimark.co.za

3. THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION'S GUIDE TO USE THE ACT AS CONTEMPLATED IN SECTION 10: SECTION 51(1)(b)

A Guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The Guide is available for inspection, *inter alia*, at the office of the offices of the Human Rights Commission :-

The South African Human Rights Commission: PAIA Unit (The Research and Documentation Department)

Postal Address: Private Bag x2700, Houghton, 2041

Physical Address: Human Rights House, 29 Princess of Wales Terrace, Corner of Yak and St Andrews Streets, Parktown, Johannesburg

Telephone: +27 11 484 8300

Facsimile: +27 11 484 1360

Email: PAIA@sahrc.org.za

Website: www.sahrc.org.za

4. **RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(d)**

Records are kept in accordance with such other legislation as is applicable to **Technimark**, which includes, but is not limited to the following legislation:

- ❖ Trust Property Control Act 57 of 1988
- ❖ Administration of Estates Act 66 of 1965
- ❖ Basic Conditions of Employment Act 75 of 1997
- ❖ Companies Act 71 of 2008
- ❖ Compensation for Occupational Injuries and Diseases Act 130 of 1993
- ❖ Competition Act 89 of 1998
- ❖ Financial Intelligence Centre Act 36 of 2000
- ❖ Income Tax Act 95 of 1967
- ❖ Insolvency Act 24 of 1936
- ❖ Labour Relations Act 66 of 1995
- ❖ National Credit Act 34 of 2005
- ❖ Occupational Health and Safety Act 85 of 1993
- ❖ Skills Development Act 97 of 1998
- ❖ Trademarks Act 194 of 1993
- ❖ Patents Act 57 of 1978
- ❖ Unemployment Contributions Act 4 of 2002
- ❖ Unemployment Insurance Act 63 of 2001
- ❖ Value-Added Tax Act 89 of 1991
- ❖ Employment Equity Act 55 of 1998

**5. SUBJECTS AND CATEGORIES OF RECORDS HELD BY TECHNIMARK CC: SECTION 51f(1)(e),
(where applicable)**

5.1 COMPANY RECORDS AND INFORMATION

- ❖ Trademarks
- ❖ Databases
- ❖ Information Technology
- ❖ Marketing records
- ❖ Internal Correspondence
- ❖ Operational Records
- ❖ Product related Records
- ❖ Internal Policies and Procedures
- ❖ Compliance Records
- ❖ Shareholder Records
- ❖ Minutes of Meetings (including resolutions taken)
- ❖ Company Register and other statutory company records
- ❖ Shareholding in subsidiaries
- ❖ Contractual records and information relating to suppliers, service providers, contractors, professional advisors (such as attorneys and auditors) and financiers.

Products and Services:-

- Product Specifications (subject to confidentiality agreements)
- Product Documentation (including application forms)

5.2 FINANCIAL RECORDS

- ❖ Annual Financial Statements
- ❖ Management Reports
- ❖ Tax Returns
- ❖ VAT Returns

- ❖ Accounting Records
- ❖ Banking Records Bank Statements Paid Cheques Electronic banking records
- ❖ Asset Register
- ❖ Rental Agreements
- ❖ Invoices
- ❖ Receipts
- ❖ Insurance Policies and claims

5.3 INCOME 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
 - ❖ Regional Services Levies
 - ❖ Skills Development Levies
 - ❖ UIF
 - ❖ Workmen's Compensation

5.4 PERSONNEL DOCUMENTS AND RECORDS

- ❖ Employment contracts
- ❖ Employment Equity Plan
- ❖ Medical Aid records
- ❖ Pension Fund records
- ❖ Disciplinary records
- ❖ Salary records
- ❖ SETA records
- ❖ Disciplinary code
- ❖ Leave records
- ❖ Training records
- ❖ Training Manuals

6. REQUEST FOR ACCESS - SECTION 51 (e)

- 6.1 The requester of information must comply with all the procedural requirements laid down in the Act when requesting access to a record.
- 6.2 The Information Officer shall not be obliged to furnish any information until all requirements laid down in the Act and set out herein have been fulfilled.
- 6.3 The prescribed form annexed hereto as Appendix 1 must be completed and submitted to the Information Officer at the postal or physical or email address or fax number stated in paragraph 2 above, together with payment of the prescribed fees, if applicable (see paragraph 7 *Fees* below for an explanation of the fees that are payable).
- 6.4 The prescribed form must be completed with sufficient detail to enable the Information Officer to identify the record(s) in question.
- 6.5 If there is insufficient space on a printed form to answer a question, additional information may be provided on an additional folio.
- 6.6 If a request is made on behalf of another person, the requester must submit proof of such capacity to the reasonable satisfaction of the Information Officer.
- 6.7 If the requester cannot complete the prescribed form due to illiteracy or disability, the requester may make the request orally and in person.
- 6.8 The Information Officer will process the request within 30 days unless the request contains considerations that are of such a nature that an extension of the 30 day time limit is required.
- 6.9 Where an extension of the 30 day time limit is required, the requester shall be notified together with reasons explaining why the extension was required.
- 6.10 Once the request is processed, the requester will be informed whether access will be granted or refused together with reasons for any refusal.

7. FEES

7.1 The requester is the person making the request for access to a record. There are two types of requesters:

Personal Requester:- A person who requests access to his/her own personal information.

Other Requester:- A person requesting access to information regarding third parties.

7.2 The following fees are payable when making a request for information:

7.2.1 Request Fee – standard fee payable by Other Requesters but not payable by Personal Requesters payable at the time that the request is made.

7.2.2 Access Fee – payable in all instances where a request for access is granted unless payment of the access fee is specifically excluded in terms of the Act or any regulations published pursuant to the Act. This fee is calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

7.3 The Information Officer may require that requesters pay a deposit in respect of the Access Fee at the time of making the request. If the request is subsequently declined, the deposit will be refunded.

7.4 If a Request Fee and/or a deposit is payable, the Information Officer will not process the request until payment thereof has been made.

7.5 If a request for information is granted, the Information Officer will advise the requester of the amount of the Access Fee payable before the record will be released.

7.6 Bank account details for purposes of making payments can be obtained from the Information Officer and may be made by way of a direct deposit into the appropriate bank account or by way of a bank guaranteed cheque.

7.7 Appendix 2 hereto sets out the amounts payable in respect of the prescribed fees.

8. THIRD PARTY INFORMATION

8.1 Technimark is obliged to attempt to contact a third party, if a request is made to access the information of such a third party.

8.2 This gives the third party an opportunity to consent to the access or to provide reasons why the access should be denied.

8.3 The Information Officer will consider any reasons furnished by the third party as to why access should be granted or denied in making a final determination on the matter.

9. GROUNDS FOR REFUSAL TO GRANT ACCESS

The main grounds upon which a request for information may be declined are:

9.1 Protecting personal information of a third party (who is a natural person) from unreasonable disclosure.

9.2 Protecting commercial information of a third party (for example trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party).

9.3 Disclosure would result in the breach of a duty of confidence owed to a third party.

9.4 Disclosure would jeopardize the safety of an individual or prejudice or impair certain property rights of a third party.

9.5 Mandatory protection of records which would be regarded as privileged in legal proceedings unless such privilege has been waived.

9.6 Refusing access to a record containing trade secrets, financial or sensitive information of Technimark or any information that would put Technimark at a disadvantage in negotiations or prejudice it in commercial competition.

9.7 The request is frivolous or vexatious or involves an unreasonable diversion of resources.

9.8 The record contains information about research being carried out, or about to be carried out, on behalf of a third party or on behalf of Technimark.

10. REMEDIES AVAILABLE ON REFUSAL OF ACCESS

10.1 The decision made by the Information Officer as to whether or not to grant access to a record is final.

10.2 If the requester wishes to dispute the decision, an application must be made by the requester to the Constitutional Court, the High Court or another court with similar status to make a final ruling.

11. RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

11.1 If a search has been conducted for a record and it is believed that the record either does not exist or the record cannot be found, the requester will be notified by way of an affidavit or by any other means permitted by the Act.

11.2 The affidavit will include the steps that were taken in trying to locate the record.

12. AVAILABILITY OF THIS MANUAL

12.1 This manual is made available in terms of Regulation Number R187 of 15 February 2002 as read together with GN 865 of 31 August 2005.

12.2 This manual is also available:

12.2.1 on the websites of Technimark (see paragraph 2 above for website details).

12.2.2 at the South African Human Rights Commission.

12.3 Copies of this manual may also be obtained, free of charge, from the Information Officer.

APPENDIX 1

Application for Access to Information

Request for access to records in accordance with Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000

A. Name of the company in Technimark to which this application is addressed:

B. Particulars of person requesting access to the record:

Full Name & Surname of Requester:
ID/Passport/Corporate Registration Number:
Work telephone number :
Home telephone number:

C. Address / Fax / e-mail address to which information must be sent:

Postal Address :	
Postal Code:	
Fax number :	E-mail address:

D. Request on behalf of another person (This section must be completed only if a request for information is made on behalf of another person):

Please state capacity in which request is made on behalf of another person:
Particulars of person on whose behalf request is made:
Full Name and Surname of Person on whose behalf request is made :
ID / Passport / Corporate Registration Number :

E. Particulars of record to which access is required (If the space below is inadequate, please continue on a separate page and attach it to this form):

Full description of information required:

F. Form of Access to the Record:

Please mark with an X your indication as to the required form of access. (eg photocopy; inspection; transcript, etc)

2 Our ability to provide the record in the form of access you have chosen depends on the form in which the record is available.

3 Access in the form that you have requested may be refused in certain circumstances. In such case, you will be informed if access will be granted in another form.

4 The fee payable for access to the record, if any, will be determined partly by the form in which access is requested. See Appendix 2 for details of fees.

For records in printed or written form:	
Copy of record:	Inspection of record:

For records consisting of visual images (including photographs, slides, videos, etc.):		
View the image :	Copy of the image :	Transcript of the image :
For records held on computer or in an electronic format:		
Printed copy of records:	Copy in computer readable form:	

<p>If you requested a copy or transcription of record (above), do you wish to copy or transcription to be posted to you? Please note that a postal fee is payable.</p>	<p>YES NO</p>
---	----------------------

<p>If you are prevented by a disability to read or review the record in any of the forms of access described above, state your disability and indicate in which form the record is required.</p>

G. Particulars of right to be exercised or protected (if the space provided below is inadequate, please continue on a separate page and attach it to this form)

<p>Indicate which right is to be exercised or protected and explain why the requested record is required for the exercising or protection of the aforementioned right:</p>

H. Fees (Detailed in Appendix 2)

- 1 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.
- 2 You will be notified of the amount of the request fee.

3 The fee payable for access to a record depends on the form in which the access is required and the reasonable time required to search for and prepare a record.

4 If you qualify for exemption of the payment of any fee, please state the reason for the exemption.

Reasons for exemption of payment of fee:

I. 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 below. We will use our reasonable endeavours to comply 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:

Signature of Person on whose behalf request is made:

APPENDIX 2 Schedule of Fees

The Applicable Fees are as follows:	Fee
Reproduction Fees	
For every photocopy of an A4size paper of part thereof	R1,10
For every printed copy of an A4size page or part thereof held on a computer or in electronic or machine readable form	R0,75
For a copy in a computer readable form on stifty disc	R7,50
For a copy in a computer readable form on a stifty disc compact disc	R70,00
A transcription of visual images, for an A4size page or part thereof	R40,00
For a copy of visual images	R60,00
Request Fees (for requests on behalf on behalf of another person)	Fee
Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable upfront before the institution will further process the request received.	R50,00

Access Fees	Fee
For every photocopy of an A4size paper or part thereof	R1,10
For every printed copy of an A4size page or part thereof held on a computer or in electronic or machine readable form	R0,75
For a copy in a computer readable form on	R7,50

stiffy disc	
For a copy in a computer readable form on a stiffy disc compact disc	R70,00
A transaction of visual images, for an A4size page or part thereof	R40,00
For a copy of visual images	R60,00
To search for a record that must be disclosed, R30,00 for every hour or part of an hour reasonably required for such search	R30,00

Deposits

Where the institution receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester. The amount of the deposit is equal to $\frac{1}{3}$ (one third) of the amount of the applicable access fee.