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CK2000/009019/23



# ACCESS TO INFORMATION MANUAL

## CLOSED CORPORATION

PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS  
TO INFORMATION ACT 2 OF 200

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## 1) Purpose of the Manual in terms of PAIA

The purpose of this manual is to assist people wishing to access information in terms of the PAIA from Rapid Spill Response®.

## 2) Request for access to information

In the event that a person or entity requires access to information as contemplated in the Act, the requestor must contact **Antoinette Troskie** in terms of section 25(2) states that:

(2) If the request for access is granted, the notice in terms of subsection (1)(b) must state:

- (a) The access fee (if any) to be paid upon access;
- (b) The form in which access will be given; and
- (c) That the requestor may lodge an internal appeal or an application with a court, as the case may be, against the access fee to be paid or the form of access 15 granted, and the procedure (including the period) for lodging the internal appeal or application, as the case may be.

(3) If the request for access is refused, the notice in terms of subsection (1)(b) must:

- (a) State adequate reasons for the refusal, including the provisions of this Act relied upon;
- (b) Exclude, from such reasons, any reference to the content of the record; and
- (c) State that the requestor may lodge an internal appeal or an application with a court, as the case may be, against the refusal of the request, and the procedure (including the period) for lodging the internal appeal or application, as the case may be.

## 3) Terms used in this document

- a) Terms defined in the act shall have the meaning set out therein;
- b) Reference to sections shall be a reference to sections in the Act.

## 4) Background of Rapid Spill Response®

Rapid Spill Response® specialised in industrial cleaning and environmental clean-up services. Being in operation since 2000, we set the benchmark for auditability, honesty and quality since inception.

## 5) Organisation Details

Company name	Rapid Spill Response®
Physical Address	7 Strauss Street, Van Eck Park, Brakpan
Postal Address	PO Box 1309, Brakpan, 1540
Contact Details	086 111 3467 / 0811 1 72743
Website Address	<a href="http://www.rapidspillresponse.com">www.rapidspillresponse.com</a>
Company Email	<a href="mailto:info@rapidspillresponse.com">info@rapidspillresponse.com</a>

## **6) Details of Information Officer**

Antoinette Troskie

Tel: 086 111 3467

## **7) Section 51 (1) (c)**

In terms of Section 52, a private body may, on a voluntary and periodic basis, submit to the Minister, a description of categories of records which are automatically available without a person having to request access in terms of this Act. This includes records which are available:

- for inspection;
- for purchase or copying from the private body; and
- from the private body free of charge.

## **8) Section 51 (1) (d)**

The following Acts are applicable to our organisation:

- Arbitration Act 42 of 1965
- Basic conditions of Employment Act 75 of 1997
- Closed Corporation Act 69 of 1984
- Closed Corporations amendment Act 25 of 2005
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Constitution of South Africa
- Copyright Act 61 of 1978
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Insolvency Act 24 of 1936
- Intellectual Property Laws Amendments Act 38 of 1997
- Labour Relations Act 66 of 1995
- National Environmental Management Act (107 of 1998)
- National Water Act (36 of 1998)
- Occupational Health and Safety Act 85 of 1993
- Skills Development Act 97 of 1998
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

## **9) Section 51 (1) (e)**

The following operational documents are held by our organisation:

### **1) Private Body Records**

- (a) These are records that include, but are not limited to, records which pertain to Rapid Spill Response's own affairs, including:
  - i. financial records;
  - ii. operational records;
  - iii. databases;

- iv. information technology;
- v. marketing records;
- vi. internal correspondence;
- vii. product records;
- viii. statutory records;
- ix. internal policies and procedures.

## 2) Personnel records

- (a) "Personnel" refers to any person who works for, or provides services to or on behalf Rapid Spill Response®, who receives or is entitled to receive remuneration, this includes, but is not limited to the Managing Member, Executive and non-executive managers, all permanent and temporary staff.

Personnel records include:

- i. Personal records;

## 3) Customer Records

- (a) A "customer" refers to any natural or juristic entity that receives services and products from Rapid Spill Response®. Customer records include:
- i. records pertaining to services rendered and products sold by Rapid Spill Response®;
  - ii. records provided to customers;
  - iii. records generated by Rapid Spill Response® relating to its customers, including transactional data.

## 4) Other Party Records

- (a) Personnel, customer or private body records which are held by another party on Rapid Spill Response®'s behalf, as opposed to the records held by Rapid Spill Response® itself.
- (b) Records held by Rapid Spill Response® pertaining to other parties, including without limitation, financial records, correspondence, contractual records, and records about Rapid Spill Response®'s contractors/suppliers/service providers.

## 10) Requesting procedure

**10.1** A person who wants to access these records must complete the necessary request form, as set out in Annexure 1, and the completed form must be sent to the address/fax/email number provided in this manual, and marked for the attention of the information officer.

**10.2** The requestor must indicate which form of access is required, and identify the right that is sought to be exercised or protected, and provide an explanation of which the requested record is required for the exercise or protection of that right. Proof of the capacity in which the requestor is requesting the information.

### 10.3 Grounds for refusal of access to records

Rapid Spill Response® may refuse a request for information on, inter alia, the following basis:

10.3.1 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)

10.3.2 The mandatory protection of the commercial information of a third party, if the record contains:

- 10.3.2.1 trade secrets of that third party;
- 10.3.2.2 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
- 10.3.2.3 information supplied in confidence by a third party, the disclosure of which could reasonably be expected:
  - a. to put that third party at a disadvantage in contractual or other negotiations; or
  - b. to prejudice that third party in commercial competition.
- 10.3.2.4 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.
- 10.3.2.5 The mandatory protection of the safety of individuals and the protection of property.
- 10.3.2.6 The mandatory protection of records which would be privileged from production in legal proceedings.
- 10.3.2.7 The protection of Rapid Spill Response® commercial activities including, without limitation, records that contain:
- 10.3.2.8 Rapid Spill Response® trade secrets; financial, commercial, customer, scientific or technical information, the disclosure of which would be likely to cause harm to Rapid Spill Response® commercial or financial interests;
- 10.3.2.9 Any information, the disclosure of which could reasonably be expected:
  - a. to put Rapid Spill Response® at a disadvantage in contractual or other negotiations; or
  - b. to prejudice Rapid Spill Response® in commercial competition.
- 10.3.2.10 Rapid Spill Response® trade secrets; computer programs owned by Rapid Spill Response®.
- 10.3.2.11 The mandatory protection of research information of Rapid Spill Response® or a third party, if disclosure would expose the identity of Rapid Spill Response® or the third party, the researcher or the subject matter of the research to serious disadvantage.
- 10.3.2.12 Requests for information that are, in Rapid Spill Response® reasonable opinion, manifestly frivolous or vexatious or which involve an unreasonable diversion of resources.

## 11. Availability of the Manual

- b) This manual is available for inspection by the general public upon request during office hours and there is no charge for viewing the manual at our offices.
- c) Copies of the manual may be made available subject to the prescribed fees.
- d) Copies of this manual may also be requested from the South African Human Rights Commission at the address indicated below.

## 12. Fees

A requestor who seeks access to a record containing personal information about that requestor is not required to pay the requested fees. Any other requestor who is not a personal requestor, must pay the required fee:

- a) A fee will be required by the head before further processing of the request in terms of Section 54 of the Act.
- b) A requestor fee of R150.00 should be paid, this amount will be refunded should the request for access be denied/refused.
- c) A portion of the access fee (not more than one third) may be required before the request is considered.
- d) The requestor may lodge an application with a court against the payment of the request fee in terms of Section 54 (3) (b) of the Act.
- e) The Head may withhold a record until the requestor has paid the applicable fees.

### **13. Details of the South African Human Rights Commission**

Any queries with regard to this manual to be directed to:

The South African Human Rights Commission; PAIA Unit  
Research and Documentation Department  
Private Bag 2700  
Houghton  
2041

Phone: 011 484 8300

Fax: 011 484 0582

Email: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

Web: [www.sahrc.org.za](http://www.sahrc.org.za)

# ANNEXURE 1

## Request for information

COMPANY NAME	
CONTACT PERSON (REQUESTOR)	
POSITION IN COMPANY	
CONTACT NUMBER	
EMAIL ADDRESS	
REASON FOR INFORMATION REQUEST (MOTIVATION)	
INFORMATION INTERESTED IN	
REQUESTOR FEE PAYABLE	R150.00

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

Name and Surname : \_\_\_\_\_

Signature : \_\_\_\_\_