



ACCESS TO INFORMATION MANUAL

IN TERMS OF SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT
ACT 2 OF 2000
(*PAIA Manual*)

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1. Introduction

Cimac Sales (Proprietary) Limited (Registration Number 2023 / 594130 / 07) t/a Shade-A-Port ("Shade-A-Port") is a private company based in the Republic of South Africa which provides the design, manufacturing and installation of shade port structures. Due to the nature of Shade-A-Port's business, it collects, processes and retains certain personal information of its clients.

2. Purpose of the Manual

The purpose of this Manual is to assist persons wishing to access information held by Shade-A-Port in terms of the Promotion of Access to Information Act 2 of 2000 ("the Act"). For purposes of access to information, Shade-A-Port is a "private body" as defined in the Act.

3. General Information

3.1. Information Officer

Information Officer	Alno Smit (Director)
Postal Address	16 Poplar Street, Bellair Estate, Bellville, Western Cape
Physical Address	16 Poplar Street, Bellair Estate, Bellville, Western Cape
Telephone Number	082 055 4912
Email Address	alno@shadeaport.co.za

3.2. General Information

Private Body Name	Cimac Sales (Pty) Ltd t/a Shade-A-Port
Registration Number	2023 / 594130 / 07
Postal Address	16 Poplar Street, Bellair Estate, Bellville, Western Cape
Physical Address	16 Poplar Street, Bellair Estate, Bellville, Western Cape
Telephone Number	082 774 6541
Email Address	info@shadeaport.co.za
Website	www.shadeaport.co.za

4. Records of Information Held

Shade-A-Port holds the following categories of information which may be accessed through a formal request, subject to the grounds of refusal:

- Correspondence with Clients and Third Parties;

- Databases with Clients' Personal Information;
- Financial & Accounting Records;
- Human Resource Records;
- Information Technology Records;
- Intellectual Property Records;
- Internal Correspondence;
- Internal Policies and Procedures;
- Marketing Records;
- Minutes of Meetings;
- Operational Records;
- Records of Legal Proceedings;
- Records provided by Third Parties, including records provided about contractors, suppliers and service providers.

5. Records Held in terms of Legislation

Shade-A-Port may hold information in terms of certain legislation which may be accessed upon request. Such legislation is as follows:

- Administrative Adjudication of Road Traffic Offences Act 46 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Broad Based Black Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Transactions Act 130 of 1993
- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Copyright Act 61 of 1978
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 38 of 2001
- Hazardous Substances Act 15 of 1973
- Immigration Act 13 of 2002
- Income Tax Act 58 of 1962
- Insurance Act 18 of 2017
- Intellectual Property Laws Amendments Act 38 of 1997
- Labour Relations Act 66 of 1995
- National Credit Act 34 of 2005
- National Environmental Management Act 107 of 1998

- National Environmental Management: Waste Act 59 of 2008
- National Regulator for Compulsory Specifications Act 5 of 2008
- National Road Traffic Act 93 of 1996
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act 2 of 1956
- Petroleum Products Act 120 of 1977
- Prevention and Combatting of Corrupt Activities Act 12 of 2004
- Prevention of Organised Crime Act 121 of 1998
- Promotion of Access to Information Act 2 of 2000
- Protected Disclosures Act 26 of 2000
- Protection of Constitutional Democracy Against Terrorist and Related Activities 3 of 2004
- Protection of Personal Information Act 4 of 2013
- Road Transportation Act 74 of 1977
- Short Term Insurance Act 53 of 1998
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Standards Act 8 of 2008
- Tax Administration Act 28 of 2011
- Trade Marks Act 194 of 1993
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

Reference to any legislation includes reference to any amended act and regulations published pursuant to such legislation.

6. Records Available to Employees by Default

The following records are automatically available to all Shade-A-Port's employees without having to request access in terms of the Act:

- Personnel records are available to the employee concerned;
- Records of disciplinary hearings are available to the employee concerned;
- Shade-A-Port's internal and external policies and procedures are available to all employees.

7. Records Available to the Public by Default

A notice in terms of Section 52(2) of the Act, regarding the categories of records which are available without a person having to request access in terms of the Act, has to date not been published. However,

any information available on Shade-A-Port's website or social media profiles are available by default and may be accessed without having to request access in terms of the Act.

8. Procedure to Request Information

A requester who wants access to the records must complete the prescribed request form, as set out in Annexure "A" hereto, and the requester must indicate which information and form of access is required and identify the right that is sought to be exercised or protected and provide an explanation of how the requested record is required for the exercise or protection of that right.

The requester must send the completed form to the Information Officer at the email address furnished in section 3, who shall, upon receipt and within thirty (30) days, provide the requester with feedback and, if required, request payment of the prescribed fees. The Information Officer shall be entitled to withhold any information until payment has been received in full.

If access is requested to a record that contains information pertaining to a third party, the Information Officer must attempt to contact the third party and take all reasonable steps to inform the third party of the request, which must be done within twenty-one (21) days of receipt of the request. The third party may within twenty-one (21) days thereafter make representations to the Information Officer as to why access should be given or provide reasons why the access should be denied. The third party must be informed of the decision taken by the Information Officer to grant or decline the request.

9. Prescribed Fees

A requester who wants access to any records shall be liable to a requester fee and an access fee, as provided for in the Act. No request shall be processed without payment of the requester fee and an access fee shall only be levied in the event of a granted request.

The fees for reproduction of a record as referred to in section 52(3) are as follows –

- for every photocopy of an A4 size page or part thereof - R1,10;
- for every printed copy of an A4-size page or part thereof - R0,75;
- for a copy of a compact disc - R70,00;
- for a transcript of visual images for an A4 size page or part thereof - R40,00;
- for a copy of visual images - R60,00;
- for a transcript of an audio record, for an A4-size page or part thereof - R20,00;
- for a copy of an audio record - R30,00;
- The request fee payable by a requester, other than a personal requester is R50,00.

In terms of Section 54(2)(b) of the Act, if the Information Officer is of the opinion that six hours will be exceeded to search, reproduce and/or prepare the information requested, a deposit is payable equal to one-third of an amount of R30 for each hour or part thereof, exceeding the six hours.

10. Grounds for Refusal

Shade-A-Port may refuse a request for information if the information sought relates to any of the following:

- Mandatory protection of the privacy of a third party, that is a natural person, that would involve the unreasonable disclosure of personal information of that natural person;
- Mandatory protection of the commercial information of a third party if the record contains (i) trade secrets of that third party; (ii) financial, commercial, scientific or technical information, disclosure of which could likely cause harm to the financial or commercial interests of that third party; (iii) information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- Mandatory protection of confidential information of third parties, if it is protected in terms of any agreement;
- Mandatory protection of confidential information of the protection of property;
- Mandatory protection of records that would be regarded as privileged in legal proceedings;
- The commercial activities of Shade-A-Port which may include: (i) trade secrets; (ii) financial, commercial, scientific or technical information, disclosure which could likely cause harm to the financial or commercial interest of Shade-A-Port; (iii) information which, if disclosed could put Shade-A-Port at a disadvantage in negotiations or commercial competition; (iv) a computer programme, owned by Shade-A-Port and protected by copyright.
- The research information of Shade-A-Port or a third party, if its disclosure would reveal the identity of Shade-A-Port, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- Requests for information that are clearly frivolous or vexatious, or which would involve an unreasonable diversion of resources shall be refused.

11. Records Not Available

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, then the Information Officer shall notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record. The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence thereof and shall be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.

If the record in question should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the Information Officer.

12. Procedure to Modify or Delete Information

A data subject who wants to modify or delete its information on record at Shade-A-Port, must inform the Information Officer in writing of its intention and specify the information or record it seeks to modify or delete.

In the event of modification, the data subject must specify the information or relevant parts of the records it seeks to modify as well as the manner in which it should be modified. In the event of deletion, the data subject must specify the information or relevant parts of the records which it seeks to have deleted.

The data subject must send the written request to the Information Officer at the email address furnished in section 3, who shall, upon receipt and within thirty (30) days of receipt, provide the data subject with feedback.

13. South African Human Rights Commission

Any queries regarding this Manual should be directed to:

The South African Human Rights Commission

The PAIA Unit

Research and Documentation Department

Private Bag 2700, Houghton, 2041

Phone: 011 484 8300

Fax: 011 484 0582

Email: PAIA@sahrc.org.za

Website: www.sahrc.org.za

14. Availability of Manual

This manual is available for inspection by the public on www.shadeaport.co.za or upon request during business hours from the Information Officer at the email address furnished in section 3.

Last Updated: **November 2023**

ANNEXURE “A”

REQUEST TO ACCESS RECORDS

(Section 53(1) of the Promotion of Access to Information Act 2 of 2000)

To: The Information Officer or its Deputy
Cimac Sales (Pty) Ltd t/a Shade-A-Port
alno@shadeaport.co.za

A. Particulars of Data Subject

Name :
Surname :
Identity Number :
Email Address :
Contact Number :
Postal Address :
.....

B. Particulars of Requester

(This section is only to be completed if the Requestor is someone other than the Data Subject)

Name :
Surname :
Identity Number :
Email Address :
Contact Number :
Postal Address :
.....

Capacity in which the request is made on behalf of the data subject:

Are you authorised by the Data Subject to request his/her/its information? ☐ Yes ☐ No

C. Request

I request Cimac Sales (Pty) Ltd t/a Shade-A-Port to:

- ☐ Inform me whether it holds any of my personal information
- ☐ Provide me with a detailed record or description of my personal information held

D. Particulars of Record / Information Sought

Provide full particulars of the record or personal information to which access is sought:

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.....

.....

E. Protected Right

Identify the right that you seek to exercise or protect:

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.....

Indicate how the requested record or information is required in exercising or protecting such right:

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.....

.....

.....

F. Fees

Have you paid the prescribed requester fee? ☐ Yes ☐ No

If qualify for an exception of fees, please specify the grounds for exemption:

.....

.....

G. Form of Access

Please specify the manner in which you seek to access the records or information

1. If the record is in written or printed form:			
	Copy of the record		Inspection of the record

2. If the record consists of visual images (photos / images / videos / slides / sketches):			
	Copy of the record		Listen to the record
			Transcription of the record

3. If the record consists of recordings or sound			
	Copy of the record		Listen to the record
			Transcription of the record

4. If the record is held on a computer or in an electronic or machine-readable format			
	Electronic copy of the record (USB / Disc)		Printed copy of the entire record
			Electronic copy of the record (shared electronically via internet)

H. Signature

Requester Signature: Date:

I. Outcome

FOR OFFICIAL USE ONLY <i>Information Officer to Complete</i>
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Request Received: (date)

Outcome of Request? ☐ Granted ☐ Denied

If granted, date(s) of access:

If denied, reason(s) for denial:

.....

.....

Information Officer Signature:

Date: