

# **PHAKISAWORLD FLEET SOLUTIONS (PTY) LTD**

(Registration number: 2005/008588/07)

(**"The Company"**)

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## **MANUAL**

as prescribed by the provisions of

## **THE PROMOTION OF ACCESS TO INFORMATION ACT**

Act 2 of 2000

(**"The Act"**)

This document serves as the Company's information manual and provides reference to the records held by the company and the process to request access to such records.

A copy of this manual is available to the public for inspection on the PhakisaWorld Fleet Solutions website at [www.phakisaworld.co.za](http://www.phakisaworld.co.za) or on request from the request liaison officer referred to in this manual.

## 1. DEFINITIONS

- 1.1. **Act** means the Promotion of Access to Information Act, Act 2 of 2000 (as amended);
- 1.2. **Business Day** means any day other than a Saturday, Sunday or public holiday declared as such within the Republic of South Africa;
- 1.3. **Company** means PhakisaWorld Fleet Solutions (Pty) Ltd (registration number 2005/008588/07), a company duly registered and incorporated with limited liability in accordance with the company laws of the Republic of South Africa and having its principal place of business situated at Barloworld Automotive Corporate Office, 6 Anvil Road, Isando, Gauteng, Republic of South Africa;
- 1.4. **Head of the Company** means the head of the company referred to in clause 4.1;
- 1.5. **HRC** means the Human Rights Commission;
- 1.6. **Manual** means this Manual which is published in accordance with the provisions of the Act;
- 1.7. **Notice of Refusal** means the notice of refusal of access to the information requested by a Requester from the Request Liaison Officer and which is addressed by the Request Liaison Officer to the Requester;
- 1.8. **Party** means any third party requesting information in terms of the provisions of the Act and in accordance with this Manual as well as the Company;
- 1.9. **Personal Requester** means a Requester as defined in Section 54(1) of the Act;
- 1.10. **Publication Date** means the date of publication of this document on the Company's website;
- 1.11. **Regulations** mean the regulations published in accordance with the provisions of the Act;
- 1.12. **Request** means a request for information which accords with the provisions of this Act and has been submitted in accordance with the provisions of this Manual;
- 1.13. **Requester** means any person who requests information in accordance with the provisions of the Act and this Manual;
- 1.14. **Request Liaison Officer** bears the meaning assigned to that term in 4.2;
- 1.15. **VAT** means value-added tax levied in accordance with the provisions of the Value-Added Tax Act, Act 89 of 1991;

## 2. PURPOSE

- 2.1. The purpose of this manual is to enable the requester to be able to access information in terms of the Act from the Company.
- 2.2. The process for accessing records is set out in **APPENDIX A**.
- 2.3. A copy of this manual can be obtained from the Company website on [www.phakisaworld.co.za](http://www.phakisaworld.co.za) or by contacting the Request Liaison Officer who will provide the requester with a copy of this manual for R1,10 per page for every photocopy of an A4-size page or part thereof.

## 3. COMPANY DETAILS

- 3.1. The details of the Company are as follows:

Physical address	<b>Barloworld Automotive Corporate Office</b> <b>6 Anvil Road</b> <b>Isando</b> <b>Gauteng</b>
Postal address:	<b>Private Bag 2028</b> <b>Isando 1600</b>
Telephone number:	<b>011 552 9000 / 1</b>
Fax number	<b>011 552 9258</b>

## 4. CONTACT DETAILS OF THE REQUEST LIAISON OFFICER

- 4.1. The Head of the Company is the Chief Executive Officer, Martin Laubscher
- 4.2. Martin Laubscher has delegated his obligations in terms of the Act to the Company Secretarial Administrator (“**the Request Liaison Officer**”).
- 4.3. The Request Liaison Officer’s contact details are as follows:

Physical address	<b>Barloworld Automotive Corporate Office</b> <b>6 Anvil Road</b> <b>Isando</b> <b>Gauteng</b>
Postal address	<b>Private Bag 2028</b> <b>Isando 1600</b>
email address:	<a href="mailto:paiarequests@bwauto.co.za">paiarequests@bwauto.co.za</a>
Fax number	<b>086 644 3645 / 086 644 3373</b>

**5. HUMAN RIGHTS COMMISSION GUIDE**

5.1. The HRC has compiled a guide, as contemplated in section 10 of the Act, containing information to assist any person who wishes to exercise any right as contemplated in the Act.

5.2. This guide is available from the HRC at:

Postal address	Private Bag 2700 Houghton 2041
Website	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>
Telephone number	011 484 8300
Fax number	011 484 0582

**6. RECORDS HELD BY THE COMPANY AS CONTEMPLATED IN SECTION 51(1)(c)**

6.1. These records are identified in **APPENDIX C** and are not available unless:

- 6.1.1. the record is required to enable the requester to exercise a right or protect a right or exercise or protect a right on behalf of another person;
- 6.1.2. the requester has followed the process provided in the Act and set out in **APPENDIX A**; and
- 6.1.3. access is not refused for on grounds set out in Chapter 4 of the Act.

**7. RECORDS HELD BY THE COMPANY IN TERMS OF OTHER LEGISLATION AS CONTEMPLATED IN SECTION 51(1)(d) OF THE ACT**

7.1. The Company retains records which are required in terms of legislation other than the Act.

7.2. Certain legislation provides that private bodies shall allow certain persons access to specified records, upon request. Legislation that may be consulted to establish whether the requester has a right of access to a record other than in terms of the procedure set out in the Act (and as described in **APPENDIX D**) are:

Administration of Adjudication of Road Traffic Offences Act 46 of 1998
Advertising on Roads & Ribbon Development Act 21 of 1940
Basic Conditions of Employment Act 75 of 1997
Bills of Exchange Act 34 of 1964
Broad-Based Black Economic Empowerment Act 53 of 2003

Broadcasting Act 4 of 1999
Companies Act 71 of 2008
Compensation for Occupational Injuries and Diseases Act 130 of 1993
Competition Act 89 of 1998
Constitution of South Africa Act 108 of 1996
Consumer Protection Act
Copyright Act 98 of 1987
Criminal Procedure Act 51 of 1977
Currency & Exchanges Act 9 of 1933
Customs and Excise Act 91 of 1964
Electronic Communications and Transactions Act 2 of 2000
Employment Equity Act 55 of 1998
Environment Conservation Act 73 of 1989
Financial Advisory & Intermediary Services Act 37 of 2002
Financial Intelligence Centre Act 38 of 2001
Firearms Control Act 60 of 2000
Formalities In Respect of Leases of Land Act 18 of 1969
Health Act 63 of 1977
Income Tax Act 58 of 1962
Labour Relations Act 66 of 1995
Long Term Insurance Act 52 of 1998
National Building Regulations and Building Standards Act 103 of 1997
National Credit Act 34 of 2005
National Environmental Management Act 107 of 1998
National Environmental Management: Air Quality Act 39 of 2004
National Environmental Management: Waste Act 59 of 2008
National Water Act 36 of 1998
National Road Traffic Act 93 of 1996
Occupational Health and Safety Act 85 of 1993
Patents Act 57 of 1987
Pension Funds Act 24 of 1956
Prescription Act 18 of 1943
Prevention & Combating of Corrupt Activities Act 12 of 2004
Prevention of Constitutional Democracy Against Terrorist & Related Activities Act 33 of 2004
Prevention of Organised Crime Act 121 of 1998

Promotion of Access to Information Act 2 of 2000
Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
Protected Disclosures Act 26 of 2000
Regulation of Interception of Communications and Provisions of Communication Related Information Act 70 of 2002
Sales and Service Matters Act 25 of 1964
Second-Hand Goods Act 23 of 1955
Securities Services Act 36 of 2004
Securities Transfer Act 25 of 2007
Short-Term Insurance Act 53 of 1998
Skills Development Act 97 of 1997
Skills Development Levies Act 9 of 1999
South African Reserve Bank Act 90 of 1989
The South African National Roads Agency Limited & National Roads Act 7 of 1998
Tobacco Products Control Act 12 of 1999
Trade Marks act 194 of 1993
Transfer Duty Act 40 of 1949
Unemployment Insurance Act 63 of 2001
Unemployment Insurance Fund Contributions Act
Value-Added Tax Act 89 of 1991

Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a requester access on a basis other than as set out in the Act, we shall update the list accordingly. If a requester believes that a right of access to a record exists in terms of other legislation listed above or any other legislation, the requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.

**8. RECORDS IN TERMS OF SUBJECT AND CATEGORIES HELD BY THE COMPANY IN TERMS OF SECTION 51(1)(e) OF THE ACT**

Description of the subjects on which the Company holds records, and the categories of records held on each subject:

**8.1. Client Services Records:**

- Client correspondence;
- Client fee files;
- Client contracts;
- Client business information;
- Legal documentation;
- Proposal and tender documents;
- Project plans;
- Risk management records;
- Solution methodologies;
- Standard terms and conditions of supply of goods and/or services;
- Working papers.

**8.2. Corporate Governance:**

- Codes of conduct;
- Corporate social investment records;
- Board meeting minutes;
- Executive committee meeting minutes;
- Legal compliance records;
- Policies.

**8.3. Finance and Administration:**

- Accounting records;
- Annual financial statements;
- Agreements;
- Banking records;
- Correspondence;
- Purchase orders;
- Remittances;
- Invoices and statements;
- Tax records and returns
- Statistics SA returns.

**8.4. Human Resources:**

- BEE statistics;
- Career development records;
- Personnel information;

- Employment equity reports;
- General terms of employment;
- Letters of employment;
- Leave records;
- PAYE records and returns;
- Performance management records;
- Assessments;
- Policies and procedures;
- UIF returns;
- Retirement benefit and Medical Aid records.

**8.5. Information Management and Technology:**

- Agreements;
- Equipment register;
- Information policies, standards, procedures and guidelines.

**8.6. Learning and Education:**

- Training material;
- Training records and statistics;
- Training agreements;
- Learnership Programmes.

**8.7. Marketing and Communication:**

- Proposal documents;
- New business development;
- Brand information management;
- Marketing strategies;
- Communication strategies;
- Agreements;
- Client relationship programmes;
- Marketing publications and brochures;
- Sustainability programmes.

**8.8. Operations:**

- Access control records;
- Agreements;
- Archival administration documentation;
- Communication strategies;
- General correspondence;
- Patents and Trade Mark documents;
- Insurance documentation;
- PABX management information;
- Service level agreements;
- Standard trading terms and conditions of supply of services and goods;

- Travel documentation;
- Procurement agreements and documentation;
- Used order books;
- Vehicle registration documents;
- Cellphone registration documents, including RICA.

**8.9. Secretarial Services:**

- Applicable statutory documents, including but not limited to, certificates of incorporation and certificates to commence business;
- Annual reports;
- Corporate structure documents;
- Memoranda and Articles of Association;
- Share registers;
- Statutory Returns to relevant authorities;
- Share certificates;
- Shareholder agreements;
- Minutes of meetings.
- Resolutions passed.

**9. PROCEDURE FOR REQUESTING INFORMATION NOT AUTOMATICALLY AVAILABLE**

- 9.1. A summary of the procedure for making a request is set out in **APPENDIX A**.
- 9.2. A request must be made on the prescribed form. A copy of the form is attached hereto as **APPENDIX C**. The form is also available from the website of the HRC or the website of the Department of Justice and Constitutional Development at [www.doj.gov.za](http://www.doj.gov.za).

**10. PRESCRIBED FEES**

- 10.1. A request shall not be processed until the request fee (R50,00) and the deposit (if applicable) have been paid. There are four types of fees:
- 10.1.1. **Reproduction Fee:** This is payable with respect to all records that are automatically available;
- 10.1.2. **Request Fee:** This is an administration fee payable by all requesters, other than personal requesters (where information requested is personal to the requester), before the request is considered and the fee is not refundable;
- 10.1.3. **Access Fee:** This is payable once access to a record is granted, for purposes of reimbursing the Company for the costs involved in searching and preparing the record for delivery;

- 10.1.4. Deposit: This is payable if the Company receives a request for access to information held on a person other than the requester himself and the preparation for the record will take more than 6 hours.

10.2. **Reproduction Fees:**

The applicable fees (excluding VAT) are:

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 held on a computer or in electronic or machine-readable form	R0,75
For a copy in a computer-readable form on	
(i) stiffer disc	R7,50
(ii) compact disc	R70,00
For a transcription of visual images for an A4-size page or part thereof	R40,00
For a copy of visual images	R60,00
For a transcription of an audio record. for an A4-size page or part thereof	R20,00
For a copy of an audio record	R30,00
To search for and prepare the record for disclosure	R30,00 for each hour or part of an hour reasonably required for such search and preparation
<u>Deposit</u>	
A deposit is not required until the following occurs	
(i) 6 hours must be exceeded before a deposit is payable	
(ii) 1/3 of the access fee is payable as a deposit by the requester	
Postage payable when a copy of a record must be posted to a requester	Actual postage costs incurred

10.3. **Request Fee:**

A request fee of R50,00 (excluding VAT) is payable upfront where a requestor submits a request for access to information on anybody else other than a requestor.

10.4. **Access Fee:**

The applicable fees (excluding VAT) are:

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 held on a computer or in electronic or machine-readable form	R0,75
For a copy in a computer-readable form on	
(iii) stiffy disc	R7,50
(iv) compact disc	R70,00
For a transcription of visual images for an A4-size page or part thereof	R40,00
For a copy of visual images	R60,00
For a transcription of an audio record. for an A4-size page or part thereof	R20,00
For a copy of an audio record	R30,00
To search for a record, per hour or part thereof	R30,00

**11. INFORMATION OR RECORDS NOT FOUND**

11.1. If the Company cannot find the records that the requester are looking for despite reasonable and diligent search and it believes either that the records are lost or that the records are in its possession but unattainable, the requester will receive a notice in this regard from the Request Liaison Officer in the form of an affidavit setting out the measures taken to locate the document and accordingly the inability to locate the document.

11.2. In this regard, please refer to **APPENDIX A** which sets out a summary of the procedure to be followed.

**12. UPDATING OF THE MANUAL**

The Company will update this Manual every 6 (six) months or at such intervals as may be necessary.

### **13. VAT**

Due to the fact that the Company is registered as a VAT vendor, the requester will receive a VAT invoice for all applicable costs per the tariffs set out in this Manual and VAT will be added to such fees.

## **APPENDIX A**

### **PROCESS FOR REQUESTING ACCESS TO THE COMPANY'S INFORMATION**

Any request for access to records should be submitted on the prescribed form (form must be attached). If the request is made on behalf of a person, proof of the capacity in which the requester is making the request must be submitted.

The person or entity ("the requester") requesting access to the Company's information must provide sufficient information to enable the Company to identify the record/s requested as well as the requester.

The requester must indicate which form of access is required; including a postal address or fax number in the Republic.

The requester must identify the right which is exercised or protected. An explanation of why the requested record is required for the exercise or protection of that right must also be provided. If the requester requires a decision on the request in any other manner, the requester should state that manner and the necessary particulars to be so informed.

The requester must pay the prescribed fee (if any).

**APPENDIX B**  
**RECORDS AVAILABLE ON REQUEST**

Customer relations documentation  
Human resources documentation  
Operational documentation  
Financial documentation  
Sales and marketing documentation  
Company secretarial documentation  
Risk management and risk control documentation  
Sustainability documentation  
Governance documentation  
Treasury documentation  
Pension Fund documentation  
Medical Scheme documentation

## APPENDIX C

### ACCESS REQUEST FORM - RECORD OF PRIVATE BODY

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

(Act No. 2 of 2000))

#### [Regulation 10]

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#### COMPLETION OF ACCESS REQUEST FORM

- *The Access Request Form must be completed.*
- *Proof of identity is required to authenticate the identity of the requester. Attach a copy of the requester's identification document.*
- *Type or print in BLOCK LETTERS an answer to every question.*
- *If a question does not apply, state "N/A".*
- *If there is nothing to disclose in reply to a question, state "nil".*
- *When there is insufficient space on a printed form, additional information may be provided on an attached folio, and each answer on such folio must reflect the applicable title.*

#### NOTIFICATION

- *The Company will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice, with reasons, to that effect.*
- *If the request is for a large volume of documentation, or requires a search where the information cannot reasonably be obtained within the 30-day period, the Company will seek an extension from the requester.*

#### GROUNDINGS FOR REFUSAL

- *Mandatory protection of the privacy of a third party.*
- *Mandatory protection of the commercial information of a third party, if the record contains trade secrets, financial, commercial, scientific or technical information which disclosure is likely to cause harm to the third party, information disclosed in confidence by the third party to the Company.*
- *Mandatory protection of confidential information that is protected by agreement.*
- *Mandatory protection of the safety of individuals and protection of property.*
- *Mandatory protection of records which are regarded as privileged in legal proceedings.*
- *The commercial activities of the company, which would include trade secrets of the Company, financial, commercial, scientific or technical information which disclosure is likely to cause harm to the financial or commercial interests of the Company.*

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**1. Particulars of Private body**

The Request Liaison Officer:

**Company Secretarial Administrator**  
Barloworld Automotive Corporate Office  
6 Anvil Road  
Isando  
Gauteng  
Republic of South Africa  
Private Bag 2028  
Isando 1600  
Facsimile: **086 644 3645 / 086 644 3376**  
Email: [paiarequests@bwauto.co.za](mailto:paiarequests@bwauto.co.za)

**2a. Particulars of Requester (if natural person)**

- a) The particulars of the person who requests access to the record must be given below.*  
*b) The address and/or fax number in the Republic to which the information is to be sent must be given.*  
*c) Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname: .....

Identity number: .....

Postal address:.....

Fax number: .....

Telephone number:.....

E-mail address:.....

Capacity in which request is made, when made on behalf of another person:

.....

**2b. Particulars of Requester (if a legal entity)**

- a) The particulars of the entity that requests access to the record must be given below.*  
*b) The address and/or fax number in the Republic to which the information is to be sent.*  
*c) Proof of the capacity in which the request is made, if applicable, must be attached.*

Name of Entity: .....

Registration Number: .....

Postal address:.....

Fax number: .....

Telephone number:.....

### 3. Particulars of person on whose behalf request is made

*This section must be completed ONLY if a request for information is made on behalf of another person.*

Full names and surname: .....

Identity number: .....

### 4. Particulars of record

- a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Description of record or relevant part of the record:

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2. Reference number, if available:

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3. Any further particulars of record

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### 5. Fees

- a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **non-refundable request fee of R57,00** has been paid.*
- b) *The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
- c) *You will be notified of the amount required to be paid as the access fee.*
- d) *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees:

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**6a. Form of access to record**

*Mark the appropriate box with an X.*

**NOTES:**

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.*
- (b) Access in the form requested may be refused under certain circumstances. In such a case you will be informed whether access will be granted in another form.*
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

<b>1. If the record is in written or printed form:</b>			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of a record
<b>2. If record consists of visual images</b> (photographs, slides, video recordings, computer-generated images, sketches, etc):			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images
<b>3. If record consists of recorded information that can be reproduced in sound:</b>			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from record*
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)
*If you are requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? <b>Postage is payable</b>			<input type="checkbox"/> YES <input type="checkbox"/> NO

**6b. In the event of disability**

*If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.*

Disability: _____ _____	Form in which record is required: _____ _____
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**7. Particulars of right to be exercised or protected**

*If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Indicate which right is to be exercised or protected:  
\_\_\_\_\_  
\_\_\_\_\_
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:  
\_\_\_\_\_  
\_\_\_\_\_

**8. 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 in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.*

How would you prefer to be informed of the decision regarding your request for access to the record?  
\_\_\_\_\_  
\_\_\_\_\_

9.  
Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
\_\_\_\_\_

SIGNATURE OF REQUESTER/ PERSON  
ON WHOSE BEHALF THE REQUEST IS MADE

## APPENDIX D – PROCESS FLOW

