



ETHEKWINI

COLD STORES

INFORMATION MANUAL

PREPARED IN TERMS OF SECTION 51

OF

THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000
(HEREINAFTER REFERRED TO AS THE "ACT")

FOR ASSISTANCE IN REQUESTING INFORMATION FROM:

ETHEKWINI COLD STORES (PTY) LTD

Ethekwini Cold Stores (Pty) Ltd // Registration number 2003/006631/07 // VAT number 422 0205 407

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Directors: DA Poisson // Y Ismail // N McHardy



BACKGROUND

The Promotion of Access to Information Act 2 of 2000 (**PAIA**) came into operation on 23 November 2001. Every private body specified in the Act, is required to compile a manual which includes information on the business including a description of any/all records held in its possession and make a copy of this manual available to the public upon request for the purpose of creating a right to access information enshrined in section 32 of the Constitution of the Republic of South Africa, Act 108 of 1996 and to promote a culture of transparency, accountability and good governance both in the private and public sectors.

INTRODUCTION

Ethekwini Cold Stores (Pty) Ltd is a private company with limited liability registered under the Companies Act 71 of 2008, under registration number 2003/06631/07. Its main business is cold storage and handling of citrus fruit, primarily for export.

The Manual has been compiled not only to comply with the provisions of PAIA as read with the provisions of the Protection of Personal Information Act 4 of 2013 (**POPI**) but is created to set out the procedure to be followed by the public and others in requesting information from us for the purpose of exercising or protecting their rights.

Inside these pages you will be able to view the categories of information we possess and the procedure to be followed should you require access to this information.

A copy of the Manual is available on our website at www.ethekwinics.co.za

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Form C and Annexure "1" – Prescribed Form

A. CONTACT DETAILS OF THE COMPANY- SECTION 51(1)(a)

Name of private company	Ethekwini Cold Stores (Pty) Ltd
Registration Number:	2003/006631/07
Name of head of private company	Yusuf Ismail (Information Officer in terms of PAIA)
Physical address	54/56 Jeffels Road Prospecton Durban 4113 Kwa-Zulu Natal
Postal address	P.O. Box 26516, Isipingo Beach, 4115
Telephone number	(031) 913 1800
Fax number	n/a
E-mail address	yusuf@ethekwinics.co.za
Website	www.ethekwinics.co.za
Person duly authorized to assist in all requests for access to information.	Yusuf Ismail

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B. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10 - SECTION 51(1)(b)

The South African Human Rights Commission (“SAHRC”), in terms of section 10 has published a guide containing information reasonably required to assist people in exercising their rights under the Act. For further assistance, contact the SAHRC at:

Address: PAIA Unit, The Research and Documentation Department, Private Bag X2700, Houghton, 2041
Telephone: (011) 877 3803
Fax: (011) 403 0625
Website: www.sahrc.org.za
E-mail: mnyuswa@sahrc.org.za

The Guide appears on the SAHRC website and contains the following information:

1. Section 1 – Introduction to the PAIA Guide.
2. Section 2 – Finding the information that you need.
3. Section 3 – How to make a Request for Access to Information (this includes details of the fees to be paid and explains your remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application).
4. Section 4 – When access to information can / may be refused.
5. Section 5 – Key references and other useful information.

C. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION - SECTION 51(1)(d)

Ethekwini Cold Stores (Pty) Ltd, where applicable to our operations, may also hold information in terms of certain provisions of the statutes referred to below.

Unless disclosure is prohibited, records that are required to be made available in terms of these statutes shall be made available for inspection by interested parties in terms of the requirements and conditions of PAIA, and applicable internal policies and procedures should such interested parties be entitled to such information. A request for access to such documents must be made in accordance with PAIA and the procedure described above. For the avoidance of doubt, the accessibility of such documents and records may be subject to the grounds of refusal set out in PAIA:

- Basic Conditions of Employment Act, No. 75 of 1997
- Companies Act, No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993

- Competition Act No. 89 of 1998
- Consumer Protection Act No 68 of 2008
- Electronic Communications and Transactions Act, No. 25 of 2002
- Employment Equity Act, No. 55 of 1998
- Financial Intelligence Centre Act No 38 of 2001
- Income Tax Act, No. 58 of 1962
- Insolvency Act No.24 of 1936
- Insurance Laws Amendment Act No 27 of 2008
- Labour Relations Act, No. 66 of 1995
- Long Term Insurance Act No 52 of 1998
- Machinery and Occupational Safety Act No.6 of 1983
- Medical Schemes Act No 131 of 1998
- National Credit Act, No. 34 of 2005
- National Environmental Management Act No 107 of 1998
- National Environmental Management Waste Act No 59 of 2008
- National Minimum Wage Act No 9 of 2018
- Occupational Health and Safety Act, No. 85 of 1993
- Protection of Personal Information Act 4 of 2013
- Security Services Act No 36 of 2004
- Short Term Insurance Act No 53 of 1998
- Skills Development Act, No. 97 of 1998
- Skills Development Levies Act, No. 9 of 1999
- Unemployment Insurance Contribution Act, No. 4 of 2002
- Unemployment Insurance Fund Act, No.63 of 2001
- Value Added Tax Act, No. 89 of 1991

D. SUBJECTS AND CATEGORIES OF RECORD HELD - SECTION 51(1)(e)

Categories of information

We may (but do not necessarily) hold the following categories of information

(a) CORPORATE INFORMATION

- (i) A copy of the Memorandum of Incorporation and any amendments or alterations to it.
- (ii) Copy of the Shareholders Agreement

- (iii) CIPC documents & any amendments
- (iv) A record of our directors.
- (v) Copies of reports presented at annual general meetings.
- (vi) Copies of Annual Financial Statements, including:
 - the auditor's report and
 - the director's report.
- (vii) Copies of accounting records.
- (viii) Notices of all Directors & Shareholders meetings.
- (ix) Minutes of all Director's & Shareholders meetings.
- (x) All company resolutions adopted and accompanying motivations to resolutions
- (xi) Proxy records
- (xii) Copies of written communications sent generally to director's & shareholders
- (xiii) Minutes of all meetings of directors, or directors' committees (if any).
- (xiv) Resolutions of directors, or board committees (if any).
- (xv) Director's register.
- (xvi) A record of our company secretaries and auditors (if any), including:
 - the name of each such person; and
 - the date of each of their appointments.
- (xvii) Budget of the company

(b) ACCOUNTING RECORDS

- (i) Books of account including journals and ledgers.
- (ii) Delivery notes, orders, invoices, statements, receipts, vouchers, and bills of exchange.

- (iii) Bank statements
- (iv) Rates, taxes & levies

(c) DIRECTOR & SHAREHOLDER INFORMATION

- (i) Personal details such as names and addresses
- (ii) Access and egress details.
- (iii) Ownership details, constitutional documents (in respect of members that are juristic persons) and votes.
- (iv) Litigation and all other legal proceedings (including alternative dispute resolution processes) between members and the company and debt collection.
- (v) Biometric registration details.
- (vi) Biometric access and egress details.
- (vii) Vehicle's registration details.
- (viii) Proxy appointments.

(d) STATUTORY EMPLOYEE RECORDS

- (i) Employees' names and occupations.
- (ii) Time worked by each employee.
- (iii) Remuneration paid to each employee.
- (iv) Date of birth and/or identity number of each employee.
- (v) Wages register.
- (vi) Attendance register.
- (vii) Employment equity plan.
- (viii) Salary and wages register.
- (ix) Records of foreign employees.

- (x) Collective bargaining agreements (if any) and any records required in terms thereof.
- (xi) Arbitration awards (if any) and any records required in terms thereof.
- (xii) Determinations made in terms of the Wage Act (if any) and any records required in terms thereof.
- (xiii) Records of strikes, lockouts, or protest action (if any).
- (xiv) Industrial training records.
- (xv) Staff records (after date of employment ceases).
- (xvi) Expense accounts.
- (xvii) Tax returns of employees.
- (xviii) Skills development plan.

(e) OTHER EMPLOYEE RECORDS

- (i) Employee contracts.
- (ii) Incentive schemes.
- (iii) Staff loan schemes.
- (iv) Study assistance schemes.
- (v) Maternity leave policy.
- (vi) Funeral insurance scheme.
- (vii) Disciplinary records
- (viii) Code of conduct.
- (ix) Key Performance Indicators & Assessments

(f) PENSION AND RETIREMENT FUNDING RECORDS

- (i) Pension Fund Rules.
- (ii) Pension Fund account records.

- (iii) Minutes of meetings of trustees and members.
- (iv) Actuarial valuation reports.
- (v) Contribution reports.
- (vi) Annual accounts.

(g) ENVIRONMENTAL HEALTH AND SAFETY

- (i) Noise exposure records.
- (ii) Water quality monitoring programme records.
- (iii) Waste-water assessment and monitoring records.
- (iv) Records of waste-water discharges.
- (v) Records of waste-water storage and wastewater disposal.
- (vi) Employee medical surveillance records in respect of hazardous chemical substances.
- (vii) Records of investigations and tests in respect of hazardous chemicals and substances.
- (viii) Records of risk assessments and monitoring results in respect of hazardous biological agents.
- (ix) Safety management systems, data, and audits.
- (x) Employee public health emergency action plans.
- (xi) Emergency response plans.
- (xii) Environmental impact assessments.
- (xiii) Environmental management programs and systems.
- (xiv) Details of aqueous discharges.
- (xv) Details of solid waste discharges.
- (xvi) Details of air emission discharges.

(xvii) Environmental authorisations.

(h) FIXED PROPERTY

(i) Title deeds.

(ii) Leases.

(iii) Building plans.

(iv) Mortgage Bonds or other encumbrances to fixed property.

(v) Management Agreements including information pertaining to managing agents.

(vi) Sectional title scheme/s statutory and other information (if applicable)

(i) MOVABLE PROPERTY

(i) Asset register.

(ii) Finance and lease agreements.

(iii) Notarial bonds.

(iv) Deeds of pledge.

(j) INTELLECTUAL PROPERTY

(i) Trademarks, trademark applications, trade names and protected names.

(ii) Copyright-protected material.

(iii) Agreements relating to intellectual property such as licence agreements, confidentiality agreements, consulting agreements, use agreements, joint venture agreements and joint development agreements.

(iv) Documents pertaining to litigation and other disputes involving intellectual property.

(k) AGREEMENTS AND CONTRACTS

(i) Material agreements concerning the provision of services or materials.

(ii) Agreements with directors, officers, shareholders or trustees and employees

- (iii) Acquisition or disposal documentation.
- (iv) Agreements with Customers, Suppliers and Producers
- (v) Agreements with contractors, consultant's and service providers
- (vi) Warranty agreements.
- (vii) Sale agreements.
- (viii) Restraint agreements.
- (ix) Agreements with governmental agencies.
- (x) Purchase or lease agreements.

(l) TAXATION

- (i) Copies of all Income Tax Returns and other tax returns and documents.

(m) LEGAL

- (i) Complaints, pleadings, briefs, and other documents pertaining to any actual, pending or threatened litigation, arbitration, dispute resolution or investigation.
- (ii) Settlement agreements.
- (iii) Material licences, permits and authorisations.

(n) INSURANCE

- (i) Insurance policies.
- (ii) Claim records.
- (iii) Details of insurance coverages, limits, and insurers.

(o) TRANSPORTATION

- (i) Permits and licenses.

(p) INFORMATION TECHNOLOGY

- (i) Hardware.

- (ii) Operating systems.
- (iii) Telephone exchange equipment.
- (iv) Telephone-lines leased lines and data lines.
- (v) LAN installations.
- (vi) Software packages.
- (vii) Disaster recovery.
- (viii) Internal systems support and programming / development.
- (ix) Capacity and utilization of current systems.
- (x) Development or investment plans.
- (xi) Agreements.
- (xii) Licenses.
- (xiii) Audits.

(q) SALES AND MARKETING

- (i) Brochures, newsletters, and advertising materials.
- (ii) Sales related information.
- (iii) Public relations policies and procedures.
- (iv) Information concerning marketing & publications.

(r) BLACK ECONOMIC EMPOWERMENT

- (i) Ratings conducted by accredited rating agencies.
- (ii) Recruitment and employment equity policies.
- (iii) Supplier and preferential procurement information.
- (iv) Skills development policy.

(s) COMMUNITY AND STAKEHOLDER ENGAGEMENT

(i) Social and labour plan.

(ii) Charitable initiatives.

(t) SECURITY

(i) Biometrics registration, access control data and egress information.

(ii) CCTV footage.

(iii) Employment information.

(iv) Standard Operating Procedures.

(u) MANAGEMENT

(i) Directors' meetings minutes and resolutions.

(ii) Management meetings minutes.

(iii) Staff meetings minutes.

(iv) Official correspondence with employees & customers

(v) Official correspondence with debtors and creditors.

(vi) Official correspondence with service providers.

(vii) Official correspondence with Auditors, Attorneys and Financial Institutions.

(viii) Legal proceedings between the company and second parties, including alternative dispute resolution proceedings.

(ix) OHS Act File and Reports / findings.

(x) Maintenance schedules and checklists.

(xi) Service contracts with service providers.

(xii) Registration details and contracts with Estate Agents.

(xiii) Developer agreements and contracts.

(xiv) Service agreements and related documents.

- (xv) Health and Safety Registers.
- (xvi) Utility records including sewage plant reports, electrical reticulation boxes, water testing reports, water / electricity usage and readings.
- (xvii) Correspondence with Government departments.

2. Procedure for requesting access to the above information

If you wish to request access to any of the above categories of information, you are required to complete a request form as set out in Annexure “C” hereto and to follow the submission procedure set out in paragraph “E” below.

It is important to note that access is not automatic, save for information which may be set out in paragraph “F” – you must identify the right you are seeking to exercise or protect and explain why the record you request is required for the exercise or protection of that right. Access to records may be refused depending on the type of information requested. You will be notified in the manner indicated by you on the request form whether your request has been approved.

E. AVAILABILITY OF THE MANUAL AND REQUESTS FOR ACCESS

Ethekwini Cold Stores (Pty) Ltd manual is available for inspection free of charge at the registered address of the company. Copies of the manual may be obtained, subject to the prescribed fees. The manual may also be accessed on the company's website or alternatively a copy is available upon request directly from the SAHRC.

All requests for access to information should be addressed to the head of the private body at his address, fax number or email. In terms of the Act, all requests must be completed on the prescribed request form, annexed hereto marked "Form C".

The requester must provide sufficient detail on the request form to enable the company head to identify the record and the requester. The requester should also indicate what form of access is required and specify a postal address or fax number of the requester.

The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right. If a request is made on behalf of a third person, the requester must then submit proof of the capacity in which the request is being made.

The company head must notify the requester by notice, requiring the requester to pay the prescribed fee (if any) before processing the request. The prescribed fee is in the Regulations of the Act. The head will then decide in accordance with the provisions of the Act, whether to grant the request or not and notify the requester of the decision.

If the request is granted, a further fee must be paid for the search, reproduction, and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

Legal remedies are available to a requester who believes that there has been a failure to comply with the Act. The requester may lodge an appeal or an application to court.

Section 54 of the Act provides for a private body to require a request fee to be paid by a requester before processing a request. Information regarding fees payable is set out in Annexure "1".

Section F – Information automatically available

The following categories of records are automatically available for inspection, purchase or photocopying, as the case may be, to those categories of persons recorded below.

In other words those persons entitled to access the documents do not need to request this information in terms of the Promotion of Access to Information Act.

Requests for access to these categories of information must also be made to our information officer, whose contact details appear in section A of this manual.

	Category of Persons	Information Automatically Available
1.	Shareholders	<p>Subject to the Shareholders Agreement (as amended from time to time), Shareholders of the company shall have the following rights:</p> <ul style="list-style-type: none"> a) the right to inspect and copy, without any charge for any such inspection or upon payment of no more than the prescribed maximum charge for such copy, the information contained in the records of the Company as listed in Section 26 of the Companies Act 71 of 2008, which it is recorded includes the following, namely: <ul style="list-style-type: none"> i. the Company's Memorandum of Incorporation and any amendments to it and any Rules made by the Company; ii. the records in respect of the Company's directors; iii. the reports to annual meetings and annual financial statements; iv. the notices and Minutes of annual meetings and any communications to the Directors and v. the register of Directors; and b) the right to view the minutes of the meetings of the board of directors at the office of the Managing Director after arranging an appropriate time to do so with the Managing Director
2.	General Public	<p>Newsletters, booklets, pamphlets / brochures, reports, posters and other literature intended for public viewing, typically those documents disclosed on our website.</p> <p>A right to inspect or copy the members' and directors'</p>

		register of the Association subject to the provisions of Section 26, read with Section 24 of the Companies Act.
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Section G - Processing of Personal Information

The Company is committed to complying with the Protection of Personal Information Act 4 of 2013 (**POPI**) in relation to the processing of your personal information.

The Company has adopted a POPI Policy which describes how and why we collect, store, use, share or otherwise process your personal information. It also explains your rights in relation to your personal information and how to contact us if you have a question or complaint. A copy of the Company's POPI Policy is available at our website.

Section 51 of PAIA requires that this manual also addresses the following issues insofar as POPI is concerned.

If there is a conflict between any provision of this Manual and a provision of the POPI Policy, the provisions of both documents shall apply concurrently, to the extent that it is possible to apply and comply with one of the inconsistent provisions without contravening the second; and to the extent that it is impossible to apply and comply with one of the inconsistent provisions without contravening the second, the provisions of the POPI Policy prevail, except to the extent that this Manual expressly provides otherwise.

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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

(Act No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

The Head/Designated Person: Yusuf Ismail
Email: yusuf@ethekwinics.co.za
Phone: (031) 913 1800

B. Particulars of person requesting access to the record.

- (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: _____

C. 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: _____

D. 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: _____
2. Reference number, if available: _____
3. Any further particulars of record: _____

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) 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.
- (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: _____

F. Form of access to record

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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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 in certain circumstances. In such a case you will be informed if 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.

1. If the record is in written or printed form:					
	Copy of record*		Inspection of record		
2. If the record consists of visual images (This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)					
	View the images		Copy of the images*		Transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	Printed copy of record*		Printed copy of information derived from the record*		Copy in computer readable form* (memory stick)
* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable				YES	NO

G. 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: _____

H. 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? _____

Signed at _____ this the _____ day of _____ 2021.

WITNESS:

1. _____

2. _____

SIGNATURE OF REQUESTER/PERSON
ON WHOSE BEHALF REQUEST IS MADE

CHARGE SHEET FOR ACCESS TO INFORMATION ACT 2 OF 2000 REQUESTS

REQUESTER'S DETAILS	PREPARED BY:
Name:	Name:
Address:	Date:
	Signature
Ref No:	Approved

ACCESS FESS FOR REPRODUCTION		
1.	For every photocopy of an A4-size page or part thereof	R1.10
2.	For every photocopy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
3.	For a copy in a computer-readable form on stiffy disc (memory stick)	R7.50
4.	For a copy in a computer-readable form on compact disc	R70.00
5.	For a transcription of visual images for an A4-size page or part thereof	R40.00
6.	For a copy of visual images	R60.00
7.	For a transcription of an audio record for an A4-size page or part thereof	R20.00
8.	For a copy of an audio record	R30.00
ACCESS FEE FOR TIME SPENT		
1.	The time reasonably spent required to search for the record for disclosure and preparation	R30.00/hr. or part thereof
REQUEST FEE		
1.	For a request for access to a record by a person other than a personal requester	R50.00

DEPOSIT		
1.	One third of the access fee is payable as a deposit by the requester	
2.	Six hours as the hours to be exceeded before a deposit is payable	
POSTAL FEE		
1.	When a copy of a record must be posted to the requestor	
	(The actual cost thereof)	
APPEAL FEES		
1.	For lodging an internal appeal by a requester against the refusal of his/her request for access to a record	R50.00
VAT		
1.	Private bodies registered under the Value Added Tax Act, 1991, may add VAT to all the above-mentioned fees	
	TOTAL	