

CARGO CARRIERS (PTY) LTD

Manual in terms of Section 51 of the Promotion of Access to Information Act

A Guide to ACCESSING OUR INFORMATION

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Preamble

The Promotion of Access to Information Act No. 2 of 2000, (“the Act”) came into operation on 23 November 2001. Section 51 of this Act requires that we as a private body compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

Introduction to this private body

Cargo Carriers (Pty) Limited is a private company in the transport and logistics sector. Major subsidiaries and associates of Cargo Carriers (Pty) Ltd are:

Cargo Carriers (Botswana) (Pty) Ltd	Cargo Carriers Eswatini Holdings
Cargo Carriers Eswatini (Pty) Ltd	Executive Air (Pty) Ltd
J & G Transport (Lesotho) (Pty) Ltd	GFLT Developments (Pty) Ltd
Carrick (Eswatini) (Pty) Ltd	Heavy Hauliers Ltd (Zambia)
Cargo Carriers Lesotho (Pty) Ltd	Heavy Hauliers Ltd (Malawi)
Cargo Carriers Management Services (Pty) Ltd	Cargo Carriers Harvesting (Pty) Ltd
Cargo Carriers Namibia (Pty) Ltd	Cargo Carriers Limitada
Ezethu Logistics (Pty) Ltd	Ikamvalethu (Pty) Ltd
Lithemba Carriers (Pty) Ltd	BeeCoCCL (Pty) Ltd
Buhle Bethfu Holdings (Pty) Ltd	Lugubu Carriers (Pty) Ltd
Buhle Bethfu Carriers (Pty) Ltd	Two Inc Consulting (Pty) Ltd
Siyazama Sisonke (Pty) Ltd	

We as a private body have compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights.

Included in this document you will be able to view the categories of information, which we possess. You will also be shown the correct procedure to follow should you require access to information.

A copy of this manual is also available on our website www.cargocarriers.co.za.

Section A – Our details

Full Name: Cargo Carriers (Pty) Limited

Registration Number: 1959/003254/07

Registered Address: 11 a Grace Road, Mountainview
Observatory
2198

Postal Address: Private Bag X555
Houghton

2041

Telephone Number: (011) 485-8700

Fax Number: (011) 485-8781

Information Officer: Lekau Solomon Letsoalo
(Chief Executive Officer)

Designated Information Officers : Nerissa Jalim / Charmaine Uys

Email Address of Information Officer: informationofficer@cargocarriers.co.za

Website: www.cargocarriers.co.za

Section B – The official guide

Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act.

The Guide will contain the following information:

1. The objects of the Act;
2. Particulars of the information officer of every public body;
3. Particulars of every private body as are practicable;
4. The manner and form of a request for access to information held by a body;
5. Assistance available from both the information officers and the Human Rights Commission in terms of this Act;
6. All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application;
7. Schedules of fees to be paid in relation to requests for access to information;
8. Regulations made in terms of the Act.
9. As at date hereof, SAHRC has not yet compiled a guide as contemplated above. Enquiries regarding the Guide can be addressed to SAHRC, contact details as follows:

Post: South African Human Rights Commission
Promotion of Access to Information Act Unit
Research and Documentation Department
Private Bag 2700
Houghton
2041

Telephone: (011) 484-8300 **Fax:** (011) 484-0582

Website: www.sahrc.org.za **E-mail:** PAIA@sahrc.org.za

Section C – Information available in terms of the Act

1. Categories of information

We hold the following categories of information:

1.1 Statutory Company Information

- i) Certificate of Incorporation
- ii) Certificate of Change of Name
- iii) Memorandum and Articles of Association
- iv) Certificate of incorporation
- v) Minute Book, as well as Resolutions passed at Directors and general meetings and applicable company forms
- vi) Proxy Forms
- vii) A Register of Allotments – after a person ceased to be a member
- viii) Register of Members
- ix) Register of Fixed Assets
- x) Register of Directors and officers
- xi) Register of Directors interest in contracts
- xii) Directors' Attendance Register

1.2 Accounting Records

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

1.3 Statutory Employee Records

- i) Employees' names and occupations
- ii) Applicable time worked by certain employees
- iii) Remuneration paid to each employee
- iv) Date of birth of each employee
- v) Attendance register
- vi) Employment Equity Plan
- vii) Salary and wages register
- viii) Collective agreements
- ix) Arbitration awards
- x) Determinations made in terms of wage act
- xi) Records of strikes, lockouts and protest actions
- xii) Industrial training records
- xiii) Staff records (after date of employment ceases)
- xiv) Expense accounts

1.4 Other Employee Records

- i) Employee records
- ii) Incentive schemes
- iii) Staff loan schemes
- iv) Study assistance schemes

- v) Maternity leave policy
- vi) Relocation policy
- vii) Group personal accident
- viii) Group Life
- ix) Code of Conduct

1.5 Fixed Property

- i) Title Deeds
- ii) Leases
- iii) Building Plans

1.6 Moveable Property

- i) Asset register
- ii) Finance and Lease Agreements

1.7 Intellectual Property

- i) Patents, patent applications
- ii) Trademarks, trade names and protected names
- iii) Copyrights
- iv) Agreements relating to intellectual property such as licence agreements, confidentiality agreements, research and development agreements, consulting agreements, use agreements, joint venture agreements and joint development agreements.

1.8 Agreements and Contracts

- i) Material agreements concerning provision of services or materials
- ii) Joint venture agreements, participation, co-marketing, co-promotion or other alliance agreements
- iii) Acquisition or disposal documentation
- iv) Agreements with contractors and suppliers
- v) Agreements with customers
- vi) Sale agreements
- vii) Purchase or lease agreements

1.9 Taxation

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

1.10 Legal

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

1.11 Insurance

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

- 1.12 Transportation
 - i) Transportation rights
 - ii) Permits
 - iii) Transportation, warehouse and storage contracts

- 1.13 Information Technology
 - i) Hardware
 - ii) Operating systems
 - iii) Telephone exchange equipment
 - iv) Telephone lines, leased lines and data lines
 - v) LAN installations
 - vi) System software
 - vii) Disaster recovery
 - viii) Internal system support and programming / development.
 - ix) Capacity and utilization of current systems
 - x) Development or investment plans
 - xi) Agreements
 - xii) Licenses
 - xiii) Audits

- 1.14 Sales and Marketing
 - i) Sales
 - ii) Public relations policies and procedures
 - iii) Domestic and Export orders

2. Grounds for refusal of access to records

The main grounds upon which Cargo Carriers (Pty) Ltd could refuse access to records relate to:

- 2.1** Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.
- 2.2** Mandatory protection of the commercial information of a third party, where the requested record/s contain:
 - 2.2.1** Trade secrets of that third party;
 - 2.2.2** Financial, commercial, scientific or technical information; the disclosure of which could likely cause harm to the financial or commercial interests of that third party;
 - 2.2.3** Information disclosed in confidence by a third party to the institution, if the disclosure of such information could put that third party at a disadvantage in negotiations or commercial competition.
- 2.3** Mandatory protection of confidential information of third parties, if it is protected in terms of any agreement.
- 2.4** Mandatory protection of the safety of individuals and the protection of property;
- 2.5** Mandatory protection of records which would be regarded as privileged in legal proceedings;
- 2.6** The commercial activities of Cargo Carriers Group, which may include, without limitation:

- 2.6.1** Trade secrets;
 - 2.6.2** Financial, commercial, scientific or technical information; the disclosure of which could likely harm the financial or commercial interests of Cargo Carriers (Pty) Limited or any of its subsidiaries or associates;
 - 2.6.3** Information which, if disclosed could put Cargo Carriers (Pty) Limited and or any of its subsidiaries or associates at a disadvantage in negotiations or commercial competition;
 - 2.6.4** Computer programs and related Information Technology software which is owned by Cargo Carriers (Pty) Limited or any of its subsidiaries or associates and which is protected by copyright.
 - 2.7** Research information compiled by Cargo Carriers (Pty) Limited or any of its subsidiaries or associates or a third party, if its disclosure would place the research at a serious disadvantage.
 - 2.8** Requests for access to records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
- 3. Remedies available to a requester upon refusal of access**
- 3.1** Internal remedies:
Cargo Carriers (Pty) Limited does not have any internal appeal procedures that may be followed after a request to access information has been refused. As such, the decision made by the information officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused and the requestor is not satisfied with the answer supplied by the information officer.
 - 3.2** External remedies:
A requestor or a third party that is dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a competent Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court with similar status.
- 4. 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 "A" hereto. These forms are available from:
- our information officer (whose contact details are in section A of this manual);
 - the Cargo Carriers website (www.cargocarriers.co.za)
 - the SAHRC website (www.sahrc.org.za)
 - the Department of Justice and Constitutional Development website (www.doj.gov.za).

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in the request form. You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information, which you have requested, including copying charges. It is important to note that access is not automatic – 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. You will be notified in the manner indicated by you on the request form whether your request has been approved.

Section D – Information available in terms of other legislation

Where applicable to our operations, information in the form of records and documents is also available in terms of certain provisions of the following statutes:

1. Basic Conditions of Employment Act No. 75 of 1997
2. Companies Act No. 61 of 1973
3. Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
4. Employment Equity Act No. 55 of 1998
5. Income Tax Act No. 58 of 1962
6. Labour Relations Act No. 66 of 1995
7. Occupational Health and Safety Act No. 85 of 1993
8. Road Transportation Act No. 74 of 1977
9. Stock Exchanges Control Act No. 1 of 1985
10. Transfer Duty Act No. 40 of 1949
11. Unemployment Insurance Act No. 63 of 2001

Section E – Information automatically available

The following categories of records are automatically available for inspection, purchase or photocopying. There is no need to request this information in terms of the Promotion of Access to Information Act.

Request forms for these categories of information are also available from our information officer, whose contact details appear in section A of this manual.

1. Marketing Material
2. Other literature intended for public viewing.

Section F – Fees in respect of private bodies

1. The fee for a copy of the manual as contemplated in regulation 9 (2) (c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11 (1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on—	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof .	40,00
(ii) For a copy of visual images.....	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record.....	30,00
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50,00.
4. The access fees payable by a requester referred to in regulation 11 (3) are as follows:

	R
(1) (a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on—	
(i) stiffy disc.....	7,50
(ii) compact disc.....	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record.....	30,00
(f) To search for and prepare the record for disclosure, R250,00 for each hour or part of an hour reasonably required for such search and preparation.	
(2) For purposes of section 54 (2) of the Act, the following applies:	
(a) Six hours as the hours to be exceeded before a deposit is payable; and	
(b) one third of the access fee is payable as a deposit by the requester.	
(3) The actual postage is payable when a copy of a record must be posted to a requester.	

ANNEXURE “A”

FORM C

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:

.....

B. Particulars of person requesting access to the record

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

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

<p><i>This section must be completed ONLY if a request for information is made on behalf of another person.</i></p>

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:

.....

.....

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 record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):							
	view 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*		copy in computer readable form* (stiffy or compact disc)				
*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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;">NO</td> </tr> <tr> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> </table>	YES	NO		
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 day of 20

.....

SIGNATURE OF REQUESTER/PERSON ON
WHOSE BEHALF REQUEST IS MADE

