

GAS EXPERTS CC
INFORMATION MANUAL

Published in terms of Section 51 of the Promotion of Access To Information Act, 2 of
2000

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1 INTRODUCTION

This information manual provides an outline of the types of records held by the GAS EXPERTS (—Company) and explains how one may submit requests for access to these records in terms of the Promotion of Access to Information Act, 2 of 2000 (the —Act).

The Act gives effect to everyone's constitutional right of access to information held by private sector bodies (e.g. companies) or public bodies (i.e. Government institutions) that is required for the exercise and/or protection of the requestor's rights.

A guide to the Act is available from the South African Human Rights Commission (—SAHRC) website: www.sahrc.org.za. Should you have any queries in this regard, please contact the SAHRC directly at:

The South African Human Rights Commission: PAIA Unit
The Research and Documentation Department
Private Bag 2700
Houghton
2041
Telephone: +27 11 484-8300
Fax: +27 11 484-0582
Website: www.sahrc.org.za
E-mail: paia@sahrc.org.za

2 AVAILABILITY OF THIS MANUAL

This Manual is published on GAS EXPERTS website - www.gasexperts.co.za or can be accessed by requesting a copy by e-mail from the Company's General Manager as provided for in paragraph **3.1.1.** below.

3 PARTICULARS IN TERMS OF SECTION 51

3.1 Contact Details – [Section 51(1)(a)]

3.1.1 The person responsible for the Company in terms of the Act is:

Name: Mr Terence Geyser
Postal Address: GAS EXPERTS (Pty) Ltd
P.O. Box 843
Fontainebleau
2032

Physical Address:
33 Cherry Drive
Randpark Ext2
2194

E-mail: terenceg@gasexperts.co.za

4 RECORDS HELD BY THE COMPANY

The Company maintains records on the following categories and subject matters. However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

4.1 Records Automatically Available – [see Section 51(1)(c) of the Act]

Records that are automatically available to the public are all records of The Company lodged in terms of regulatory/legislative requirements with various statutory/regulatory bodies, including the Registrar of Companies, the Registrar of Deeds, and the Registrar of Banks, all records in the booklets and pamphlets published by The Company and all records available on The Company's website – www.gasexperts.co.za .

4.2 Records available in accordance with South African legislation

GAS EXPERTS has records available in terms of the following legislation:

- 4.2.1 Basic Conditions of Employment Act No. 75 of 1997
- 4.2.2 Companies Act No 61 of 1973
- 4.2.3 Compensation for Occupational Injuries and Diseases Act No 130 of 1993
- 4.2.4 Debt Collectors Act No. 114 OF 1998
- 4.2.5 Electronic Communications Act No 36 OF 2005
- 4.2.6 Income Tax Act 58 of 1962
- 4.2.7 Labour Relations Act 66 of 1995
- 4.2.8 National Credit Act 34 of 2005
- 4.2.9 Occupational Health & Safety Act No 6 of 1983
- 4.2.10 Promotion of Access to Information Act No 2 of 2000
- 4.2.11 Value Added Tax Act 89 of 1991

4.3 INTERNAL RECORDS

GAS EXPERTS holds records in the following categories:

4.3.1 Movable and Immovable Property

- (i) Lease Agreements;
- (ii) Hire-purchase Agreements; and
- (iii) Credit Sale Agreements.

4.3.4 Taxation

- (i) Income tax returns;
- (ii) VAT returns;
- (iii) PAYE returns; and
- (iv) UIF returns.

4.3.5 Human Resources

- (i) Policies/Standards/Procedures;
- (ii) Employee information;
- (iii) Employment agreements;
- (iv) Forms and applications;
- (v) Standard letters and notices;
- (vi) Payroll reports/ Wage register;
- (vii) Pay slips;
- (viii) IRP5s;
- (ix) Leave records
- (x) Accident books and records;
- (xi) Workplace and Union agreements and records,
- (xii) Employee benefits arrangements rules and records;
- (xiii) Safety, Health and Environmental records;
- (xiv) Labour dispute records;

- (xv) Disciplinary records;
- (xvi) Employment and termination agreements
- (xvii) Grievance Procedures; and
- (xviii) Employee training.

4.3.6 Finance

- (i) Audited annual financial statements;
- (ii) Management accounts;
- (iii) Banking details and bank accounts;
- (iv) Debtors/Creditors statements and invoices;
- (v) General ledgers and subsidiary ledgers;
- (vi) General ledger reconciliation; and
- (vii) Policies and Procedures.

4.3.7 Procurement

- (i) Requests for proposals/requests for information;
- (ii) Preferential procurement policies/standards;
- (iii) Standard Terms and Conditions for supply of services and products;
- (iv) Contractor, client and supplier agreements; and
- (vi) Lists of suppliers, products, services and distribution;
- (vii) Policies and Procedures.

4.3.8 Operations

- (i) Customers/suppliers;
- (ii) Products and services.

4.3.9 Legal and Compliance

- (i) Agreements/General Contracts;

4.3.10 Information security/Information technology

- (i) System documentation and manuals;
- (ii) Project, disaster recovery and implementation plans;
- (iii) Information usage policy documentation;

- (iv) Software licensing;
- (v) Hardware asset registers;
- (vi) Disaster recovery plans;
- (vii) Information security policies/standards/procedures; and
- (viii) Computer/mobile device usage policy documentation.

4.3.11 Risk Management and audit

- (i) Risk management plans;
- (ii) Risk management frameworks;
- (iii) Audit reports; and

4.3.12 Corporate Records

- (i) Incorporation and reorganisation records (Articles of Incorporation/ Memorandum of Association);
- (ii) Combined Company Register;
- (iii) Minutes of Meetings;
- (iv) Statutory Returns;
- (v) Powers of attorney;
- (vi) Delegation of authority;
- (xiv) Documents on business processes;
- (xv) Documents on sales and marketing, and distribution;
- (xxii) Records of telephonic and electronic instructions.

4.3.13 Occupational Health and Safety

- (i) Policies and procedures; and
- (ii) Personal injury records.

5 STEPS TO CONSIDER BEFORE SUBMITTING A REQUEST

The following steps must be considered before submitting a request:

5.1 Step 1: Are you entitled to use the Act to request access?

Please take note of section 7(1) of the Act which states:

—This Act does not apply to a record of a public body or a private body if—

- (a) that record is requested for the purpose of criminal or civil proceedings;
- (b) so requested after the commencement of such criminal or civil proceedings, as the case may be; and
- (c) the production of or access to that record for the purpose referred to in paragraph (a) is provided for in any other law.

If section 7(1) applies, you may not bring a request in terms of this Act. You must use the rules and procedures for discovery of information of the relevant legal forum and proceedings you are involved in. The Company reserves the right to claim all expenses and other damages incurred as a result of a requester submitting a request in contravention of section 7(1).

5.2 Step 2: Does the information requested exist in the form of a record?

Please note that the Act only applies to records that are in existence at the time of us receiving your request. The Act does not compel anyone to create a record which is not yet in existence at the time the request is made. For instance, the Act cannot be used to obtain reasons for a decision taken by The Company if such reasons are not in the form of a record.

5.3 Step 3: Is the record in the possession or under the control of GAS EXPERTS?

The Act provides that the record requested must be in our possession or under our control. Therefore, even if a record was created by The Company or at some point in The Company's possession (but no longer in The Company's control at the time of your request), you must seek access to the record from the party under whose possession or control it is.

6 HOW TO SUBMIT REQUEST FOR ACCESS

Please consider the steps in paragraph 5 above before submitting your request. Once you are satisfied that none of the foregoing prohibitions apply to you, you may proceed to submit a request as follows:

6.1 Request form

Please complete the request form in Annexure 1 to this Manual (the —Request Form). You can send the completed request form as is or under cover of a separate letterhead or fax cover. In the Request Form, you need to provide sufficient information to enable us to adequately identify –

- The record or records requested;
- The identity of the requester,
- Which form of access is required, if the request is granted;
- The postal address or fax number of the requester.

6.2 Description of the right

Take care to adequately describe the right which you are seeking to protect or enforce by means of the records requested. Please note that the courts have indicated that access to the records must be —necessaryll for the exercise or protection of the right so stated. It is important to note that The Company’s General Manager may refuse you access to the records requested if the right is not clearly defined or where the right you claim to seek to exercise or protect does not qualify as a right as contemplated in the Act.

6.3 Representatives

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of The Company’s General Manager.

6.4 Illiteracy or disability

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

6.5 Prescribed fee

The prescribed access fee, if applicable, as provided for in paragraph 7.2 below must be paid and proof of payment (e.g. copy of deposit slip) must be submitted along with your request.

7 PRESCRIBED FEES

7.1 The Act provides for two types of fees, namely:

- A request fee, which will be a standard fee; R50 and
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

7.2 The requester, other than a *personal requester*, must pay the prescribed R50.00 (fifty rand) request fee, before submitting the request and provide a deposit slip as proof of payment which must accompany the Request Form.

7.3 If the search for and preparation of the record (for disclosure), including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the General Manager will request you to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

7.4 The General Manager may withhold a record until the requester has paid the fees.

7.5 A requester whose request has been granted must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

7.6 You may ask for a refund of the deposit if your request for access is refused.

8 CONSIDERING YOUR REQUEST

8.1 Subject to the provisions in the Act in respect of extension of time periods, The Company will process the request within 30 days, unless you have stated

8.2 Special reasons which would satisfy the General Manager that circumstances dictate that the above.

8.3 Circumstances why the above time periods were not complied with, if appropriate.

You will be informed in writing as to the answer.

8.3 The main grounds for The Company to refuse a request for information relate to the -

8.3.1 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;

8.3.2 mandatory protection of the commercial information of a third party, if the record contains – trade secrets of that third party;

financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;

information disclosed in confidence by a third party to The Company, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

8.3.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;

8.3.4 mandatory protection of the safety of individuals and the protection of property;

8.3.5 mandatory protection of records which would be regarded as privileged in legal proceedings;

8.3.6 the commercial activities of The Company, which may include – trade secrets of The Company;

financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of The Company;

information which, if disclosed could put The Company at a disadvantage in negotiations or commercial competition;

a computer program which is owned by The Company, and which is protected by copyright.

8.3.7 the research information of The Company or a third party, if its disclosure would disclose the identity of The Company, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

9 YOUR REMEDIES

The Company does not have internal appeal procedures. As such, the decision made by the General Manager is final. If your request is denied, you are entitled to apply to a court with appropriate jurisdiction for relief.

ANNEXURE 1:

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

This annexure must accompany the cover letter addressed to the relevant General Manager

A. Particulars of GAS EXPERTS

The General Manager
GAS EXPERTS
33 Cherry Drive
Randpark Ext 2
2194
Telephone: +27 11 791 3622
Fax: +27 11 792 7408
E-mail: terenceg@gasexperts.co.za

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 the request is made, when made on behalf of another person:

(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:
