



MLB DIENSTE CC
Registration Number: 1995/036819/23

PROMOTION OF ACCESS TO INFORMATION MANUAL

As required by section 51 of the Promotion of Access to Information Act, no 2 of 2000

TABLE OF CONTENTS

1. Introduction	3
2. Availability of this manual	3
3. Information Officer and Contact Details	3
4. Access to the SAHRC's guide as per section 10 of the Act	3
5. Procedure for requesting access to records	4
6. Records automatically available	4
7. Records available in terms of other legislation	4
8. Records held by MLB DIENSTE CC and POPIA compliance	5
9. Grounds for refusal of access to information and/or records	7
10. Appeal	7
11. Annexure "A" – Request Form	8
12. Annexure "B" – Prescribed Fee	12

1. INTRODUCTION

Section 32 of the Constitution of the Republic of South Africa, 1996 provides that where information held by the State or a person is required by another person in order to protect or exercise a right, that person has the right to access such information. Premised on this constitutional right of access to information, the Promotion of Access to Information Act, 2 of 2000 ("the Act") aims to give effect to this right as well as to foster a culture of transparency and accountability in public and private bodies in order that rights may be fully exercised and protected in accordance with the Constitution.

This Information Manual is published on behalf of and applicable for all subsidiaries, affiliated companies and entities falling with MLB DIENSTE CC.

2. AVAILABILITY OF THIS MANUAL

2.1	The manual can also be accessed as follows:	
	>	at the principal place of business of MLB DIENSTE CC for public inspection during normal business hours;
	>	through the South African Human Rights Commission ("SAHRC") at its address as set out below; or
	>	by requesting a copy by e-mail from the Information Officer as provided for in paragraph 3 below.
2.2	The Manual is available to the Information Regulator upon request and will be updated from time to time, as and when required.	

3. INFORMATION OFFICER AND CONTACT DETAILS

The responsibility of administration of, and compliance with the Act, has been duly delegated by the Chief Executive Officer (CEO) of MLB DIENSTE CC to the Information Officer. Requests pursuant to the provisions of the Act, should accordingly be directed as follows:

Designated Information Officer:	Evert Smit
Physical Address:	WAPAD Nr.75 LEEUWFontein DISTRICT PRETORIA
Postal Address:	P.O. BOX 15075, LYNN EAST 0039
Telephone No:	061 800 0020
Email Address:	everts@mikebolhuis.co.za
Fax No:	064 727 1651

4. ACCESS TO THE SAHRC'S GUIDE AS PER SECTION 10 OF THE ACT

A guide to the Act and the rights of persons / entities requesting information in terms of the Act must be published by the SAHRC. Should you have any queries in this regard, please contact the SAHRC directly at:

The South African Human Rights Commission	PAIA Unit Braampark Forum 3 33 Hoofd Street Braamfontein
Telephone No:	011 877 3600
Website:	www.sahrc.org.za

5. PROCEDURE FOR REQUESTING ACCESS TO RECORDS

5.1	Requests for access to records held by MLB DIENSTE CC must be made on the request forms that are available from the SAHRC website (www.sahrc.org.za).
5.2	<p>For the convenience of requestors, copies of such forms are included in the version of this manual.</p> <p>Request form: The requestor must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requestor. The standard form that must be used for the making of requests is attached as Annexure A. Not using this form could cause the request to be refused (if sufficient information or otherwise is not provided) or delayed. Proof of identity must be provided acceptable to the Information Officer.</p> <p>Prescribed fees: Please note that requestors are also required to make use of the prescribed fees. The list detailing the prescribed fees in respect of requests and the fees in respect of access to records (if the request is granted) is attached as Annexure B.</p>
5.3	Requests for access to records must be made to the Information Officer at the address, fax number or electronic mail address provided for above.
5.4	The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
5.5	The Act provides that a requester is only entitled to access to a record, if the record is required for the exercise of a right. Only requests for access to a record, where the requester has satisfied the Information Officer that the record is required to exercise a right, will be considered. The requestor must accordingly 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.
5.6	If the request is made on behalf of a person, the requestor must then submit proof of the capacity in which the requestor is making the request to the satisfaction of the Information Officer.
5.7	All requests to MLB DIENSTE CC will be evaluated and considered in accordance with the Act. Publication of this manual and describing the categories and subject matter of information held by MLB DIENSTE CC does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

5.8	The 30 (thirty) day period within which the Information Officer is required to reply to a request, as stipulated in the Act, shall commence only once a requester has complied with all the requirements of the Act in requesting access to a record, to the satisfaction of the Information Officer.

6. RECORDS AUTOMATICALLY AVAILABLE

All information pertaining to the MLB DIENSTE CC at <https://mikebolhuis.co.za/> is freely available for inspection and does not need to be requested in terms of the Act.

7. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

7.1	Information is available in terms of the following legislation to the persons or entities specified in such legislation. Although we have used our best endeavours to supply a complete list of applicable legislation it is possible that the list below may be incomplete. We will update the list should any new or other applicable legislation come to our attention.
7.2	If a requester believes that a right to access to a record exists in terms of the legislation listed below, 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.

7.3	List of Legislation:	
	>	Value-Added Tax Act, No 89 of 1991
	>	Income Tax Act, No 58 of 1962
	>	Companies Act no 61 of 1973
	>	Companies Act No 71 of 2008
	>	Basic Conditions of Employment Act, No 75 of 1997
	>	Employment Equity Act, No 55 of 1998
	>	Labour Relations Act, No 66 of 1995
	>	Compensation for Occupational Injuries and Diseases Act, no 130 of 1993
	>	Occupational Health and Safety Act, No 85 of 1993
	>	Skills Development Act No. 97 of 1999
	>	Broad Based Black Economic Empowerment Act, No. 53 of 2003
	>	Competition Act, No 89 of 1998
	>	Insolvency Act No 24 of 1936
	>	Constitution of South Africa, Act no 108 of 1996
	>	Copyright Act, No 98 of 1987
	>	Deeds Registries Act, No 47 of 1937
	>	Electronic Communications and Transactions Act, No 25 of 2000
	>	Financial Intelligence Centre Act, No 38 of 2001
	>	Promotion of Access to Information act, No 2 of 2000
	>	Promotion of Equality and Unfair Discrimination Act, No 4 of 2000
	>	Protection of Personal Information Act, 3 of 2000 ("POPIA")
	>	Trade Marks Act, No 194 of 1993
	>	Unemployment Insurance Act, No 63 of 2001

8. RECORDS HELD BY MLB DIENSTE CC AND POPIA COMPLIANCE

MLB DIENSTE CC maintains records on the following categories and subject matters. 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 honoured. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

Please note further that many of the records held by us are those of third parties, such as customer and employees and we take protection of third party confidential information very seriously. MLB DIENSTE CC will protect the confidentiality of such information subject to MLB DIENSTE CC's obligations to disclose information in terms of any applicable law or a court order requiring disclosure of the information.

8.1	Internal Records	
	>	Statutory records
	>	Company Secretarial
	>	Intellectual Property
	>	Financial Records
	>	Operational records
	>	Intellectual Property
	>	Marketing Records
	>	Internal Correspondence
	>	Statutory records
	>	Internal Policies and Procedures
	>	Minutes of Meetings
	>	Legal permits, authorizations, deeds and licenses
	>	General contract information
	<p>The above records (apart from records relating to contract information) are processed in order to comply with obligations imposed by law on MLB DIENSTE CC, as the Responsible Party in terms of the POPIA. These records are disclosed to third parties such as the Receiver of Revenue, the Companies and Intellectual Property Commission and BBBEE ratings agencies for statutory reporting, regulatory compliance and business administration purposes.</p> <p>Records relating to contract information are processed where necessary to carry out actions for the conclusion or performance of a contract to which MLB DIENSTE CC is a party. These records are disclosed to the other contracting party.</p>	

8.2	Human Resources	
	>	Employee records provided by employees
	>	Records a third party has provided to use about any of their employees
	>	Conditions of employment and other employee related contractual records
	>	Employment policies and procedures
	>	Internal evaluation records
	>	Other internal records and correspondence

	<p>These records are processed for purposes of personnel management, administration, work and general business management, regulatory compliance and statutory reporting.</p> <p>These records will be disclosed to subsidiaries or affiliated companies, the payroll service provider, IT administrators, pension/provident fund administrators and medical aid schemes, regulatory authorities (including tax authorities), trade unions as well as any other service providers who may be appointed to conduct grading, salary surveys and benchmarking exercises.</p>
8.3	Records are kept in respect of other parties, including without limitation customers, suppliers and service providers.
8.4	<p>Information Security Measures</p> <p>MLB DIENSTE CC has implemented security measures to ensure the confidentiality, integrity and availability of the information that is to be processed in order to guard against unauthorized access of personal information.</p>

9. GROUNDS FOR REFUSAL OF ACCESS TO INFORMATION AND/OR RECORDS

	Requests may be refused on the following grounds, as set out in the Act:
9.1	<ul style="list-style-type: none"> > Mandatory protection of privacy of a third party who is a natural person; > Mandatory protection of privacy of commercial information of a third party; > Mandatory protection of certain confidential information of a third party; > Mandatory protection the safety of individuals, and the protection of property; > Mandatory protection of records privileged from production in legal proceedings; > Commercial Information of MLB DIENSTE CC; > Mandatory protection of research information of a third party and of MLB DIENSTE CC.
9.2	Requesters will be informed within 30 (thirty) days of the Information Officer's decision. In terms of the Act this 30 day period may be extended for a further 30 day period should more time be required to gather the requested record. If such extension is required, the Information Officer will notify the requester accordingly.

10. APPEAL

If a requester is aggrieved by the refusal of the Information Officer to grant a request for a record, the requester may, within 30 (thirty) days of notification of the Information Officer's decision, apply to court for appropriate relief.

Signed at _____ on this _____ day of _____ 2018

CEO – MLB DIENSTE CC

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 records

- | | |
|---|--|
| 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 Name and Surname:	
Identity Number:	
Postal Address:	
Fax Number:	
Telephone Number:	
Email 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 Name 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. Particulars of record

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:

<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of record
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2. If the record consists of visual images

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of record
<input type="checkbox"/>	transcription of the images*		

3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	Listen to the soundtrack (Audio Cassette)
<input type="checkbox"/>	Transcription of soundtrack* (written or printed document)

4. If record is held on computer or in an electronic or machine-readable form:

<input type="checkbox"/>	Printed copy of record*
<input type="checkbox"/>	Printed copy of information derived from the record*
<input type="checkbox"/>	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.**

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
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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 _____ on this _____ day of _____ 2018

Signature of Requester / Person on whose behalf request is made

ANNEXURE "B"

FEES IN RESPECT OF PRIVATE BODIES

1	The fee for a copy of the manual as contemplated in <u>regulation 9(2)(c)</u> is R1,10 for every photocopy of an A4-size page or part thereof.			
2	The fees for reproduction (excl VAT) referred to in <u>regulation 11(1)</u> are as follows:			
	a	For every photocopy of an A4-size page or part thereof	R 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	R 0,75	
	c	For a copy in a computer-readable form on -		
		i	stiffy disc	R 7,50
		ii	compact disc	R 70,00
	d	i	For a transcription of visual images, for an A4-size page or part thereof	R 40,00
		ii	For a copy of visual images	R 60,00
	e	i	For a transcription of an audio record, for an A4-size page or part thereof	R 20,00
		i	For a copy of an audio record	R 30,00
3	The request fee payable by a requester, other than a personal requester, referred to in <u>regulation 11(2)</u> is R50,00 (excl VAT).			
4.1	The access fees (excl VAT) payable by a requester referred to in <u>regulation 11(3)</u> are as follows:			
	a	For every photocopy of an A4-size page or part thereof	R 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	R 0,75	
	c	For a copy in a computer-readable form on -		
		i	stiffy disc	R 7,50
		ii	compact disc	R 70,00
	d	i	For a transcription of visual images, for an A4-size page or part thereof	R 40,00
		ii	For a copy of visual images	R 60,00
	e	i	For a transcription of an audio record, for an A4-size page or part thereof	R 20,00
		i	For a copy of an audio record	R 30,00
	f	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.		
4.2	Deposit - For purposes of <u>section 54(2)</u> of the Act, the following applies:			

	a	Where MLB DIENSTE CC received a request for access to a record relating to a person other than the requestor and the Information Officer is of the opinion that the preparation of the required record will take more than six (6) hours, a deposit of one third (1/3 rd) of the amount of the applicable access fee, is payable.
4.3		Where a copy of the record needs to be posted the actual postal fee is payable in addition to the applicable fees.