

PAIA Manual

For

Palfinger Southern Africa (Pty) Ltd	1990/003385/07
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(“hereinafter referred to as
“the Company”)

in terms of Section 51 of The Promotion of Access to
Information Act No. 2 of 2000 (the "Act")
and the Protection of Personal Information Act No. 4 of 2013
("POPIA")

Prepared by:



Patent. Trade Mark. Copyright Attorneys.

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1. INTRODUCTION

- 1.1 The Company is in the business of sale, repair and servicing of vehicle mounted cranes and lifts and goods ancillary to the aforementioned.
- 1.2 The PAIA manual of the Company is available to view at its premises: 284 Dekema Road, Wadeville, Germiston, 1422 and all active websites.

2. INFORMATION REQUIRED UNDER SECTION 51(1) (a) OF THE ACT

2.1	Name of head of the Company:	Tony Mota
2.2	Postal Address of head of the Company:	PO Box 7092, Albemarle, 1410
2.4	Street Address of head of the Company:	284 Dekema Road, Wadeville, Germiston, 1422
2.5	Telephone No. of head of the Company:	011 608 3670
2.6	Fax No. of head of the Company:	N/A
2.7	E- Mail address of head of the Company:	tmota@palfingerafrica.co.za

3. THE INFORMATION OFFICER (SECTION 51(1)(B))

- 3.1 The Head of a Private Body fulfils such a function in terms of Section 51. the Company has elected to appoint an Information Officer to assess requests for access to information as well as oversee its required functions in terms of the Act.
- 3.2 The Information Officer appointed in terms of the Act also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013 ("POPIA"). The Information Officer oversees the functions and responsibilities as required in terms of both this Act in terms of Section 55 of POPIA after registering with the Information Regulator.
- 3.3 The information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of the Act as well as section 56 of POPIA. This is in order to render the Company as accessible as reasonably possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of POPIA. All requests for information in terms of the Act must be addressed to the Information Officer.

Contact Details of the Information Officer

Information Officer:	Tony Mota
Physical Address:	284 Dekema Road, Wadeville, Germiston, 1422
Telephone:	011 608 3670
Email:	tmota@palfingerafrica.co.za
Alternative email:	dinoc@palfingerafrica.co.za

4. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(b)

A Guide has been compiled by the Human Rights Commission in terms of Section 10 of the Act. It contains information required by a person wishing to exercise any right contemplated by the Act and is available in all of the official languages.

The Guide is available for inspection at the office of the offices of the Human Rights Commission at 29 Princess of Wales Terrace, corner York and St. Andrews Street, Parktown and on its website at www.sahrc.org.za.

This guide has further been compiled in terms of POPIA and will be made available to the Information Regulator upon the publication of the regulations relating to same.

5. THE LATEST NOTICE IN TERMS OF SECTION 52(2)

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

6. RECORDS AVAILABLE ONLY ON REQUEST TO ACCESS IN TERMS OF THE ACT (SECTION 51(1)(D))

6.1 Records held by the Company

6.2 The information is classified and grouped according to records relating to the following subject and categories;

6.2.1 Personnel Records: refers to any person who works for, or provides services to or on behalf of the Company, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Company. This includes, without limitation, Directors (Executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

6.2.1.1 Personal records provided by personnel.

6.2.1.2 Records provided by a third party relating to personnel.

6.2.1.3 Conditions of employment and other personnel-related contractual and quasi-legal records

6.2.1.4 Internal evaluation records and other internal records

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6.2.1.5 Correspondence relating to personnel

6.2.1.6 Training schedules and material.

6.2.2 Customer related records:

6.2.2.1 Records provided by a customer to a third party acting for or on behalf of the Company

6.2.2.2 Records provided by a third party

6.2.2.3 Records generated by or within the Company relating to its customers including transactional records.

A “**customer**” refers to any natural or juristic entity that receives services from the Company.

6.2.3 **Private Body Records** include financial, operational, marketing records, databases and information technology as further detailed in clause 7 and 8 below.

6.2.4 **Internal Correspondence** relating *inter alia* to:

6.2.4.1 Product records

6.2.4.2 Statutory records

6.2.4.3 Internal policies and procedures

6.2.4.4 Records held by officials of any institution, government body.

These records include, but are not limited to, the records which pertain to the Company's own affairs.

6.2.5 Other Party Records

6.2.5.1 Personnel, customer or private body records which are held by another party, as opposed to the records held by the Company itself.

6.2.5.2 Records held by the Company pertaining to other parties, including without limitation, financial records, correspondence, contractual records provided by the other party, and records third parties have provided about the contractor's suppliers.

6.2.5.3 The Company may possess records pertaining to other parties including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to the Company.

6.2.6 The accessibility of the records may be subject to the grounds of refusal as set out in this PAIA manual and POPIA. Amongst others, records deemed confidential on the part of a third party will require consent from said third party in addition to the normal requirements before the Company will consider granting access

7. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(d)

Record Available	Applicable Legislation
Property Deeds	Alienation of Land Act 68 of 1981

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Employee Records	Basic Conditions of Employment Act 75 of 1997
Company registration documents, certificates, minutes, resolutions	Companies Act 71 of 2008
Compensation payments, assessments and a letter of good standing	Compensation for Occupational Injuries and Disease Act 130 of 1993
Competition Commission Records and Merger Notices	Competition Act 89 of 1998
Literary, artistic works and Records	Copyright Act 98 of 1978
Brand Protection	Counterfeit Goods Act, 37 of 1997
Export and Import Records	Customs and Excise Act 91 of 1964
Website Terms of Use, Privacy Policy	Electronic Communications and Transactions Act 25 of 2002
Workplace Skills Plan and Annual Training Report (ATR)	Employment Equity Act 55 of 1998
FICA Records	Financial Intelligence Centre Amendment Act 1 of 2017
Income Tax returns for past 5 (five) years; Clearance certificate	Income Tax Act 58 of 1962
Registered Intellectual Property Records	Intellectual Property Laws Amendment Act 28 of 2013
Employment Records	Labour Relations Act 66 of 1995
Lease Agreements	Leases of Land Act 18 of 1969
Credit Agreements, credit checks	National Credit Act 34 of 2005
Quality Records	National Environmental Management Act 107 of 1998
Recycling	National Environmental Management: Waste Act, 59 of 2008
Logistics and insurance records	National Road Traffic Act 93 of 1996
COIDA and OHSA Records	Occupational Health and Safety Act 85 of 1993
Employee Provident and Pension Fund Records	Pension Funds Act 24 of 1956
Legal Records	Prescription Act 68 of 1969
FICA and Audit Records	Prevention of Organised Crime Act 121 of 1998
PAIA Manual	Promotion of Access to Information Act 2 of 2000
POPIA Policy, PAIA Manual	Protection of Personal Information Act 4 of 2013
Accounting Records	Revenue Laws Second Amendment Act 61 of 2008
Logistic Records	Road Transportation Act 74 of 1977
Employee Records and Skills Development Levy Records	Skills Development Act 97 of 1998
Patent Records	South African Patent Act 57 of 1978
Tax Records and Filings	Taxation Laws Amendment Act 23 of 2020

BBBEE Compliance	The Broad-based Black Economic Empowerment Act 53 of 2003
Consumer Records	The Consumer Protection Act 1987
Trade Mark Application and Registrations	Trade Marks Act 194 of 1993
Property Records	Transfer Duty Act 1949
Employee Records and Submissions	Unemployment Insurance Act 63 of 2001
VAT returns for past 5 (five) years; Clearance certificate	Value Added Tax Act 89 of 1991

**8. SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE COMPANY:
SECTION 51(1)(e)**

Classification No.	Access	Classification
1	May be disclosed	Public Access Document
2	May not be disclosed	Request after commencement of criminal or civil proceedings [s7]
3	May be disclosed	Subject to copyright
4	Limited disclosure	Personal information that belongs to the requester of that information [s61]
5	May not be disclosed	Unreasonable disclosure of personal information of Natural person [s63(1)]
6	May not be disclosed	Likely to harm the commercial or financial interests of third party [s64(1)(a) and (b)]
7	May not be disclosed	Likely to harm the Company or third party in contract or other negotiations [s64(1)(c)]
8	May not be disclosed	Would breach a duty of confidence owed to a third party in terms of an Agreement [s65]
9	May not be disclosed	Likely to compromise the safety of individuals or protection of property [s66]
10	May not be disclosed	Legally privileged documents [s67]
11	May not be refused	Environmental testing / investigation which reveals public safety / environmental risks [s64(2); s68(2)]
12	May not be disclosed	Commercial information of Private Body [s68]
13	May not be disclosed	Likely to prejudice research and development information of the Company or a third party [s69]
14	May not be refused	Disclosure in public interest [s70]

Subject	Category of Information	Availability	Retention Period	Classification No.
Companies Act Records	Documents of incorporation	Available from Companies and Intellectual Property Commission (CIPC) or request in terms of PAIA	Indefinite	1
	Memorandum and Articles of Association	Available from Companies and Intellectual Property Commission (CIPC) or request in terms of PAIA	Indefinite	1
	Minutes of Board of Directors meetings	Request in terms of PAIA	7 years	12
	Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers	Available from Companies and Intellectual Property Commission (CIPC) or request in terms of PAIA	7 years	1
	Share Register and other statutory registers	Available from Companies Act or request in terms of PAIA	Indefinite	12
	Annual Returns (CIPC)	Request in terms of PAIA	7 years	12
Financial and Customer Development (Sales) Records	Annual Financial Statements	Request in terms of PAIA	5 years	12
	Tax Returns	Request in terms of PAIA	5 years	12
	Accounting Records	Request in terms of PAIA	5 years	12
	Banking Records	Request in terms of PAIA	5 years	12
	Bank Statements	Request in terms of PAIA	5 years	12
	Paid Cheques	Request in terms of PAIA	5 years	12
	Electronic banking records	Request in terms of PAIA	5 years	12

	Asset Register	Request in terms of PAIA	5 years	12
	Rental Agreements	Request in terms of PAIA	3 years	12
	Invoices	Request in terms of PAIA	5 years	12
	Information generated by the Company in relation to all service providers	Request in terms of PAIA	5 years	12
	Information provided by other third parties in relation to services providers	Request in terms of PAIA	5 years	12
	Information relating to distributors, retailers, wholesalers	Request in terms of PAIA	5 years	12
Income Tax Records	PAYE Records	Request in terms of PAIA	5 years	12
	Documents issued to employees for income tax purposes	Request in terms of PAIA	5 years	12
	Records of payments made to SARS on behalf of employees	Request in terms of PAIA	5 years	12
	VAT	Available from South African Receiver of Revenue website www.sars.gov.za or request in terms of PAIA	5 years	1
	Skills Development Levies	Request in terms of PAIA	5 years	12
	UIF	Request in terms of PAIA	5 years	12
	Workmen's Compensation	Request in terms of PAIA	5 years	5, 9
Human Resources Documents and Records	Employment contracts	Request in terms of PAIA	5 years	1
	Employment Equity Plan (if applicable)	Request in terms of PAIA	5 years	12
	Medical Aid records	Request in terms of PAIA	5 years	4, 5, 9
	Pension Fund records	Request in terms of PAIA	5 years	5, 9
	Disciplinary records	Request in terms of PAIA	5 years	5, 9
	Salary records	Request in terms of PAIA	5 years	5, 9

	Disciplinary code	Request in terms of PAIA	5 years	5, 9
	Leave records	Request in terms of PAIA	5 years	12
	Training records	Request in terms of PAIA	5 years	5, 9
	Training Manuals	Request in terms of PAIA	5 years	12
	Internal evaluation information (IOs, IDP, PEP etc)	Request in terms of PAIA	5 years	12
	Organisational Charts	Request in terms of PAIA	5 years	1, 3
Public Relations Records	Public Product Information	Request in terms of PAIA	3 years	12
	Media Releases	Request in terms of PAIA	3 years	4,5,9
Marketing and Consumer Affairs Records	Product Brochures	Request in terms of PAIA	3 years	1
	Owner Manuals	Request in terms of PAIA	3 years	1, 12
	Products Sales Records	Request in terms of PAIA	Indefinite	1
	Marketing Strategies	Request in terms of PAIA	Indefinite	1, 12
	Customer Database	Request in terms of PAIA	Indefinite	12
	Information of social media users	Request in terms of PAIA	3 years	12, 13
	Customer Buying behaviour	Request in terms of PAIA	Indefinite	12
	Product complaints	Request in terms of PAIA	3 years	1
	Advertising events	Request in terms of PAIA	5 years	12
	Promotional competitions	Request in terms of PAIA or email [*]	5 years	1, 12
Legal Records	Agreements with suppliers	Request in terms of PAIA	3 years	12
	Agreements with Customers	Request in terms of PAIA	3 years	12
Information Technology Records	IP Addresses	Request in terms of PAIA	5 years	12
Procurement, Customer Services and Logistics Records	Products and Services supplier Information	Request in terms of PAIA	3 years	3, 12, 13

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	Third Party Information acting on behalf of the Company	Request in terms of PAIA	3 years	6,12
	Third Party service providers e.g. courier, transportation by land, sea, air or road, warehousing, customs clearance and forwarding	Request in terms of PAIA	3 years	12
CCTV Records	Images of customers and accompanied minors, images of employees	Request in terms of PAIA	1 year	12
Regulatory	Product registrations and licenses	Request in terms of PAIA	Indefinite	12

9. REQUEST IN TERMS OF POPIA

9.1 Where a data subject has requested access to personal information not falling within the above categories or where the data subject is requesting:

9.1.1 to update his/her/its personal information;

9.1.2 a list of the data subject's personal information the Company has in its possession or control; or

9.1.3 the subscription or deletion of a data subject's personal information

Then the data subject, at no cost, must direct the request to the Information Officer of the Company as per the details in set out in section 3 above.

10. DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS – SECTION 51(e)

10.1 The requester must complete Form C below and submit this form together with a request fee, to the head of the Company.

10.2 The form must be submitted to the head of the Company at his/her address, fax number, or electronic mail address as provided under paragraph above.

10.3 The form must:

10.3.1 provide sufficient particulars to enable the head of the private body to identify the record/s requested and to identify the requester;

10.3.2 indicate which form of access is required;

10.3.3 specify a postal address or fax number of the requester in South Africa;

10.3.4 identify the right that the requester 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;

10.3.5 if in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner;

10.3.6 if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body.

11. PRESCRIBED FEES

The following applies to all requests:

11.1 A requestor is required to pay the prescribed fee (R50.00) before a request will be processed;

11.2 If the preparation of the record requested requires more than the prescribed (six) hours, a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);

11.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;

11.4 Records may be withheld until the fees have been paid;

11.5 The fee structure is available on the website of the South African Human Rights Commission at www.sahrc.org.za.



REPUBLIC OF SOUTH AFRICA

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:

[Large empty rectangular box for details of the private body]

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: [Grid for 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: [Grid for 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:

DRAFT

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:

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 for 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
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2. If 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*
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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
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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* (stiffy or compact disc)
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*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..... day of20

DRAFT

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE