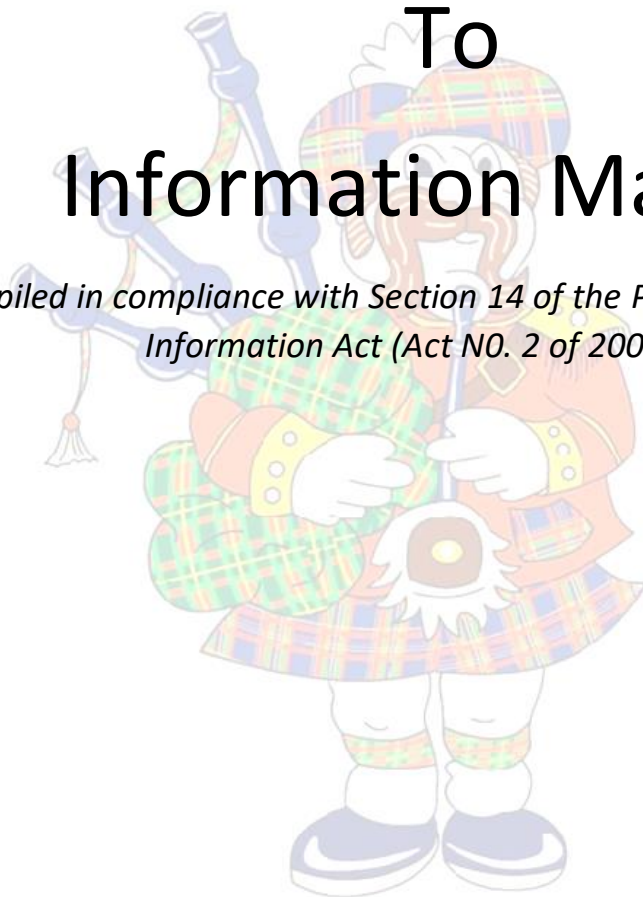
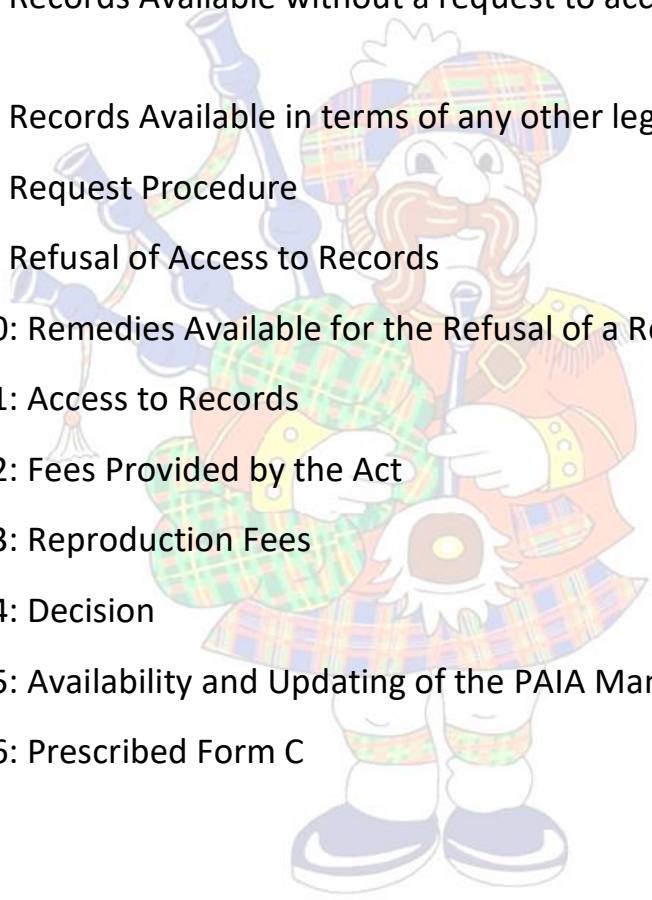


# Promotion of Access To Information Manual

*Compiled in compliance with Section 14 of the Promotion of Access to  
Information Act (Act NO. 2 of 2000) 2019*



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## Section 1: Introduction

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This Manual has been compiled in accordance with the Promotion of Access to Information Act of 2000 (Act No. 2 of 2000) (The Act). The Act prescribes that a Private body must provide details of records held by such private body so that any request for information may be accommodated.

The Manual is to serve as a guide on how members of the public can access the information that is being kept in the records of the Walter Mcnaughtan (Pty) Ltd. The Manual gives effect to the right of access to information as contained in the Constitution of the Republic of South Africa, 1996 (No. 108 of 1996) (The Constitution) and the Promotion of Access to Information Act, 2000 (No. 2 of 2000) (PAIA). This provides for the right of access to information held by the private body by members of the public. The Manual also prescribes the manner in which the information must be accessed. Set out below is the procedure with regard to the lodging of a request for access to the Walter Mcnaughtan (Pty) Ltd information.

The Manual also contains information of the designated Information Officer and Deputy Information Officer who are responsible for handling all the requests for access to information. Lastly the manual indicates the name of all Programmes within Walter Mcnaughtan (Pty) Ltd, its core functions and a list of all records kept by the Walter Mcnaughtan (Pty) Ltd.

## Section 2: Contact details of Information Officer and Deputy IO

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### Information Officer

Full Names: Byron William Gillham

Designation: Managing Director

Postal Address: PO Box 2574, New Germany 3620

Telephone No.: 0317022244

E-mail Address: byron@mcnaughtan.co.za

### Description of the Functions

To provide strategic leadership to the company and to ensure a transparent, accountable, professional and efficient client service. Provides administrative oversight for effective implementation of the company's mandate and overall **accounting oversight.**



### **Section 3: The Role of South African Human Rights Commission**

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The South African Human Rights Commission (SAHRC) has in terms of section 10 of the Act, compiled a guide on the use of The Act. This guide is available at the SAHRC. The SAHRC will further upon receiving each Manual from public and private bodies compile a final directory (Guide). This Directory would be similar to a telephone directory and will contain the “Address” where a Body’s Manual could be found apart from the SAHRC.

Any queries relating to the guide should be directed to SAHRC, at:

PAIA (Promotion of Access to Information Act)

Information and Communications

Braampark Forum 3

33 Hoofd Street

Braamfontein

Johannesburg

2017

Private Bag X2700

Houghton

2041

Telephone: 011 877 3600

Fax: 011 403 0668

e-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)



## Section 4: Mandate

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Our vision is to be the preferred supplier in South Africa of bus, truck and trailer components and accessories. This will be achieved through availability of existing competitively prices quality products, new products, technical support, customer relationship and service excellence.

## Section 5: Records Available only on Request to Access in Terms of the Act (Section51(1)(D))

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Records held by Walter Mcnaughtan (Pty) Ltd: This clause serves as a reference to the categories of information that Walter Mcnaughtan (Pty) Ltd holds. The information is classified and grouped according to records relating the following subjects and categories:

- Personnel Records
- Personnel records provided by personnel
- Records provided by a third party relating to personnel Conditions of employment and other personnel-related contractual and quasi-legal records.
- Internal evaluation records and other internal records
- Correspondence relating to personnel
- Training schedules and material

“Personnel” refers to any person who works for, or provides services to or on behalf of Walter Mcnaughtan (Pty) Ltd, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Walter Mcnaughtan (Pty) Ltd. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

Customer related records

- Records provided by a customer to a third party acting for or on behalf of Walter Mcnaughtan (Pty) Ltd
- Records provided by a third party
- Records generated by or within Walter Mcnaughtan (Pty) Ltd relating to its customers, including transactional records.

A “customer” refers to any natural or juristic entity that received services from Walter Mcnaughtan (Pty) Ltd.

## Private body records

- Financial records
- Operational records
- Databases
- Information technology
- Marketing records

## Internal correspondence

- Product records
- Statutory records
- Internal policies and procedures
- Records held by officials of the institution

These records include, but are not limited to, the records which pertain to Walter Mcnaughtan (Pty) Ltd own affairs.

## Other party records

- Personnel, customers or private body records which are held by another party as opposed to the records held by Walter Mcnaughtan (Pty) Ltd itself.
- Records held by Walter Mcnaughtan (Pty) Ltd pertaining to other parties, including without limitation financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.
- Walter Mcnaughtan (Pty) Ltd may process 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 Walter Mcnaughtan (Pty) Ltd.

Note that the accessibility of the records may be subject to the grounds of refusal set out in this PAIA manual. Amongst others, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before Walter Mcnaughtan (Pty) Ltd will consider access.

## **Section 6: Records Available without a request to access in terms of the act**

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Records of a public nature, typically those disclosed on the Walter Mcnaughtan (Pty) Ltd website may be accessed without the need to submit a formal application.

Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed with the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the information officer.

## **Section 7: Records Available in terms of any other legislation**

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Where applicable to its operations, Walter Mcnaughtan (Pty) Ltd also retains records and documents in terms of the legislation listed below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the act; the below mentioned legislation, and applicable internal policies and procedures, should such interested parties be entitled to such information. A request to access must be done in accordance with the prescriptions of the Act.

- Labour Relations Act, 1995
- Basic Conditions of Employment Act, 1997
- Employment Equity Act, 1998
- Occupational Health and Safety Act, 1993
- Compensation for Occupational Injuries and Diseases Act, 1993
- Unemployment Insurance Act, 2001
- Employment Services Act, 2014
- National Minimum Wage Act, 2018
- NEDLAC Act, 1994
- National Credit Act, 2005
- Companies Act, 2008
- CIPC legislative Mandate
- Tax Act, 1962
- Vat Act, 1991
- Customs and Excise Act, 1964



- Consumer Protection Act, 2008

Other

## **Section 8: Request Procedure**

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Procedural requirements: the requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.

The requester must complete the prescribed form enclosed herewith, and submit same well as payment of a request fee and a deposit (if applicable) to the Information Officer or the Deputy information officer at the postal address or physical address, or electronic email address as noted above.

The prescribed form must be filled in with sufficient information to enable the Information Officer to identify:

- The record or records requested; and
- The identity of the requester

The requester should indicate which form of access is required and specify a postal address or email address of the requester in the republic;

The requester must state that he/she required the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must clearly specify why the record is necessary to exercise or protect such a right (Section 53 (2)(d)).

Walter Mcnaughtan (Pty) Ltd will process the request within 30 (thirty) days, unless the requester has stated special reasons to the satisfaction of the Information officer that circumstances dictate that the above time periods not to be complied with.

The requester shall be advised whether access is granted or denied in writing. If, in addition, the requester required the reasons for the decision in any other manner, the requester will be obliged to state which manner and the particulars required.

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 Information officer (Section 53(2)(f))

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

The requester must pay the prescribed fee, before any further processing can take place.

All information as listed in this section herein should be provided and failing which the process will be delayed until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary required information. The Information officer shall serve a record if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

## **Section 9: Refusal of Access to Records**

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Grounds to refuse access: a private body such as Walter Mcnaughtan (Pty) Ltd is entitled to refuse a request for information.

The main grounds for Walter Mcnaughtan (Pty) Ltd to refuse a request for information relates to the:

- Mandatory protection of the privacy of a third party who is a natural person or a deceased person (Section 63) or a juristic person, as included in the Protection of Personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
- Mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Personal Information Act 54 of 2013;
- Mandatory protection of the commercial information of a third party (Section 64), if the record contains:
  - ✓ Trade secrets of a third party;
  - ✓ Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interest of that third party;
  - ✓ Information disclosed in confidence by a third party to Walter Mcnaughtan (Pty) Ltd, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- Mandatory protection of confidential information of third parties (Section 65) if it is protected in terms of any agreement;

- Mandatory protection of the safety of individuals and the protection of property (Section 66);
- Mandatory protection of records which would be regarded as a privilege in legal proceedings (Section 67)

The commercial activities (Section 68) of a private body, such as Walter Mcnaughtan (Pty) Ltd, which may include:

- Trade secrets of Walter Mcnaughtan (Pty) Ltd;
- Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interest of Walter Mcnaughtan (Pty) Ltd;
- Information which, if disclosed could put Walter Mcnaughtan (Pty) Ltd at a disadvantage in negotiations or commercial competition;
- A computer program which is owned by Walter Mcnaughtan (Pty) Ltd, and which is protected by a copyright;
- The research information (Section 69) of Walter Mcnaughtan (Pty) Ltd or a third party, if it is disclosed would disclose the identity of Walter Mcnaughtan (Pty) Ltd, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

If a requested record cannot be found or if the record does not exist, the Information officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

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## **Section 10: Remedies Available for the Refusal of a Request**

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Internal remedies: Walter Mcnaughtan (Pty) Ltd does not have an internal procedure. The decision made by the Information officer is final. Requesters will have to exercise such external remedies at their disposal if the request for

information is refused, and the requester is not satisfied with the answer supplied by the Information officer.

External remedies: a requestor that is dissatisfied with the Information officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a court for relief.

A third party dissatisfied with the Information officer's decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a court for relief.

For purposes of this Act, the courts that have jurisdiction over these applications are the Constitutional Court, the High Court or any other Court of similar status and a magistrate court designated by the Minister of Justice and Constitutional Development and which is presided over by a designated Magistrate.

## **Section 11: Access to Records**

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Prerequisites for Access by Personal/Other Requester: records held by Walter Mcnaughtan (Pty) Ltd may be accessed by requests only once the prerequisite requirements for access have been met.

A requester is any person making a request for access to a record of Walter Mcnaughtan (Pty) Ltd. The two types of requestors are:

- Personal requester: is a requester who is seeking access to a record containing personal information about the requester. Walter Mcnaughtan (Pty) Ltd will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for the reproduction of the information requested will be charged.
- Other requester: this requester (other than a personal requester) is entitled to request access to information on third parties. In considering such a request, Walter Mcnaughtan (Pty) Ltd will adhere to the provisions of the Act. Section 71 requires that the Information officer take all reasonable steps to inform a third party to whom the requested record relates to the request, informing him/her that he/she may make a written or oral representation to the Information officer why the request should be refused or, where required, give written consent for the disclosure of the information.

Walter Mcnaughtan (Pty) Ltd is not obliged to voluntarily grant access to such records. The requester must fulfil the prerequisite requirements, in accordance with the requirements of the Act and as stipulated in Chapter 5; Part 3, including the payment of a request and access fee.

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## **Section 12: Fees Provided by the Act**

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The Act provides for two types of fees, namely:

A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered. The request fee is not refundable and;

An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the Private body in obtaining and preparing a record for delivery to the requester.

When the request is received by the Information officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed fee request, before further processing of the request (Section 54(1))

If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulation for this purpose, the Information officer shall notify the requester to pay, as a deposit, the prescribed portion of the access fee which would be payable if the request is granted.

The Information officer shall withhold a record until the requester has paid the fees as indicated below.

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

If a deposit has been paid in respect of a request for access, which is refused, then the Information officer concerned must repay the deposit to the requester.

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## **Section 13: Reproduction Fees**

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Where Walter Mcnaughtan (Pty) Ltd has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

<b>Reproduction of Information Fees</b>	<b>Fees to be Charged</b>
Information in an A4 size page photocopy or part thereof	R1.10
A printed copy of an A4 size page or part thereof	R0.75
A copy in computer readable format, for example: Stiffy disc Compact disc	R7.50 R70.00
A transcription of visual images, in an A4 size page or part thereof	R40.00
A copy of visual images	R60.00
A transcription of an audio record for an A4 size page or part thereof	R20.00
A copy of an audio record	R30.00

Request fees: where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50.00 is payable up-front before the institution will further process the request received.

An access fee is payable in all instances where a request for access to information is granted except in those instances where payment of an access fee is specifically excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54(8).

The applicable fees which will be payable are:

<b>Access of Information Fees</b>	<b>Fees to be Charged</b>
information in an A4 page photocopy or part thereof	R1.10
A printed copy of an A4 size page or part thereof	R0.75
A copy in computer readable format, for example: Stiffy disc Compact disc	R7.50 R70.00

A transcription of visual images, in an A4 size page or part thereof	R40.00
A copy of visual images	R60.00
A search for a record that must be disclosed *per hour or part of an hour reasonably required for such search.	R30.00*
Where a copy of a record needs to be posted the actual postal fee is payable	

Deposit: where the institution receives a requester for access to information held on a person other than the requester himself/herself and the Information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

Collection Fee: the initial “request fee” of R50.00 should be deposited into the bank account below and a copy of the deposit slip, application form and other correspondence documents, forwarded to the Information officer via email.

Walter Mcnaughtan will collect the initial “request fee” of applications received directly by the Information officer via email.

All fees must be deposited into the follow bank account:

Banking Institution: First National Bank

Account Name: Walter Mcnaughtan (Pty) Ltd

Account Number: 50850094422

Branch Code: 221626

All fees are subject to change as allowed for in the Act and as a consequence such escalations may not always be immediately available at the time of the request being made. Requesters shall be informed of any changes in the fees prior to making a payment.

## **Section 14: Decision**

Time allowed to institution: Walter Mcnaughtan (Pty) Ltd will, within 20 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect. The 30 (thirty) day

period within which Walter Mcnaughtan (Pty) Ltd has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large number of information or the request requires a search for information held at another office of and the Walter Mcnaughtan (Pty) Ltd information cannot reasonably be obtained within the original 30 (thirty) day period. Walter Mcnaughtan (Pty) Ltd will notify the requester in writing should an extension be sought.

## **Section 15: Availability and Updating of the PAIA Manual**

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Regulation number R1.87 of 15 February 2002. This PAIA manual is made available in terms of Regulation Number R1.87 of 15 February 2002. Walter Mcnaughtan (Pty) Ltd will update this PAIA Manual at such intervals as may be deemed necessary. This PAIA Manual of Walter Mcnaughtan (Pty) Ltd is available to view at its premises: 12 Blair Road, Pinetown Durban, 3610 as well as on its website [www.mcnaughtans.co.za](http://www.mcnaughtans.co.za)



## **Section 16: Prescribed Form C**

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Request for Access to Record of Private Body

### **FORM C**

Request for Access to Record of a Private Body

(Section 53(1) of the Promotion of Access to Information Act, 2000) (Act No. 2 of 2000)

[Regulation 10]



A. Particulars of Walter Mcnaughtan Information:

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: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

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

C. Particulars

This section must be completed *ONLY* if a request for information is made on behalf of another person. Proof is required for authority in the form of a letter of authorisation from the person on whose behalf the request is made and a certified copy of the identification of the requester and the person on whose behalf the request is made is required.

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. Initial: \_\_\_\_

(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.

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 you, 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:

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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 to 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 success is required.

Initial: \_\_\_\_

1. If the record is in written or printed form:					
	Copy of		Inspection of Record		
2. If record consists of visual images. This includes photographs, slides, video recordings, computer-generated images, sketches etc.)					
	View the image		Copy of the images		Transcription of the images*
3. If the record consists of recorded words or information which can be reproduced in sound:					
	Listen to the sound track 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* (stiffy or compabt disc)
If you requested a copy or transcription of a record (above), do you wish the					
Copy or transcription to be posted to you?				Yes	No
Postage payable					

G. Particulars of right to be exercised

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, please specify the manner and provide the necessary particulars to enable compliance with your request.

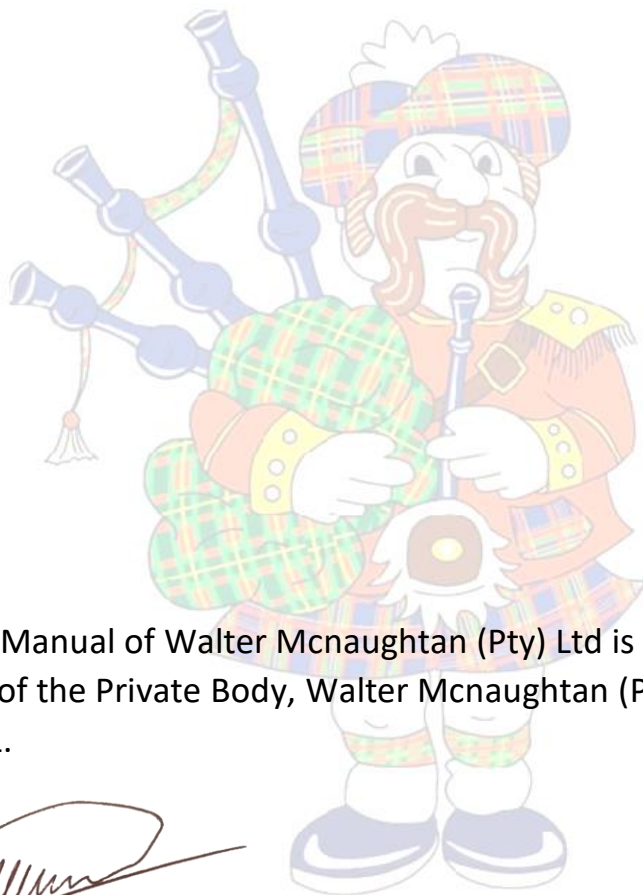
How would you prefer to be informed of the decision regarding your request for access to the record?

Initial: \_\_\_\_\_

Signed at .....this..... day of .....20.....

Signature of Requester/

Person on whose behalf request is made



This PAIA Manual of Walter Mcnaughtan (Pty) Ltd is approved and signed by the Head of the Private Body, Walter Mcnaughtan (Pty) Ltd, on this 14<sup>th</sup> day of June 2021.

A handwritten signature in black ink, appearing to read 'Byron Gillham', written over a horizontal line.

Byron Gillham

Managing Director

Walter Mcnaughtan (Pty) Ltd