

# Section 51 Manual for GLASFIT SOUTH AFRICA (PTY) LTD

Prepared in accordance with Section 51 of the Promotion of Access  
to Information Act, No 2 of 2000 (Private Body)

Last updated: December 2011

## 1. **INTRODUCTION**

The Promotion of Access to Information Act, No 2 of 2000 (“the Act”) was enacted on 9 March 2001, giving effect to Section 32 of the Constitution of the Republic of South Africa which states that “everyone has the right of access to –

- (a) any information held by the State; as well as
- (b) any information that is held by another person and that is required for the exercise or protection of any right.

The Act sets out the procedures and requirements attached to such requests. One requirement specified in the Act, is for every private and public body to compile a manual with contact details, information on the type, categories, and availability of records held, the process required to obtain the information, and the cost to access these.

Where a request is made in terms of the Act, the body to which the request is made is obliged to release the information, except where the Act expressly provides that the information may not be released.

This document serves as the manual for Glasfit South Africa (Pty) Ltd and its subsidiaries. Wherever reference is made to “Private Body” in this manual, it will refer to Glasfit South Africa (Pty) Ltd and its subsidiaries, a Private Body within the auto and flat glass replacement industry, and the auto accessories industry.

### **Glasfit South Africa (Pty) Ltd**

Glasfit Logistics (Pty) Ltd

Glasfit Jozi (Pty) Ltd

Glasfit Johannesburg (Pty) Ltd

Glasfit Pretoria (Pty) Ltd

Glasfit Free State (Pty) Ltd

Glasfit Kwazulu Natal (Pty) Ltd

Glasfit Western Cape (Pty) Ltd

Glasfit Port Elizabeth (Pty) Ltd

Glasfit Johannesburg Building Glass (Pty) Ltd

Fico Glass (Pty) Ltd

Glasfit Secure Tint (Pty) Ltd

Glasfit SA Services (Pty) Ltd

**2. SECTION 51 (1) (a) CONTACT INFORMATION REQUIRED**

The Managing Director of the Private Body has delegated the responsibility for administration of, and compliance with the Act, to the Information Officer. Any requests should be directed as follows:

**INFORMATION OFFICER**

Name: Hendrik Kluever  
Postal address: PO Box 261846, Excom, 2023  
Physical address: 8 Watkins Street, Denver  
Tel: (011) 607 3000  
Fax: (011) 607 3293  
E-mail: hendrikk@glasfit.com

**GENERAL INFORMATION**

Name of Private Body: Glasfit South Africa (Pty) Ltd  
Registration number: 2003/012838/07  
Postal address: PO Box 261846, Excom, 2023  
Physical address: 8 Watkins Street, Denver  
Telephone number: (011) 607 3000  
Facsimile number: (011) 607 3293  
E-mail address: hendrikk@glasfit.com  
Website: www.glasfit.com

3. **SECTION 51 (1) (b) SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE**

The South African Human Rights Commission has compiled a Guide in terms of Section 10 of the Act.

The Guide contains information required by a person who wishes to exercise any right as contemplated in the Act, and is available in all of the official languages.

The Guide is also available for inspection at the offices of the Human Rights Commission at:

**29 Princess of Wales Terrace  
Corner York and St Andrews Street  
PARKTOWN**

Any enquiries regarding this Guide should be directed to:

**The South African Human Rights Commission  
PAIA Unit (The Research and Documentation Department)  
Private Bag 2700  
HOUGHTON  
2041**

<b>Telephone number:</b>	<b>(011) 484 8300</b>
<b>Facsimile number:</b>	<b>(011) 484 0582</b>
<b>Website:</b>	<b><a href="http://www.sahrc.org.za">www.sahrc.org.za</a></b>
<b>E-mail address:</b>	<b><a href="mailto:PAIA@sahrc.org.za">PAIA@sahrc.org.za</a></b>
<b>Website:</b>	<b><a href="http://www.sahrc.org.za">www.sahrc.org.za</a></b>

An electronic version of the Guide is available on their website.

The Private Body does not have a hard copy of the Guide.

4. **SECTION 51 (1) (d) RECORDS HELD IN ACCORDANCE WITH OTHER LEGISLATION**

Records are held in accordance with the following legislation:

**LEGISLATION**

Basic Conditions of Employment Act, No 75 of 1997  
Broad Based Black Economic Empowerment Act, No 53 of 2003  
Companies Act, No 61 of 1973  
Compensation for Occupational Injuries and Diseases Act, No 130 of 1993  
Competition Act, No 89 of 1998  
Consumer Protection Act, No 68 of 2008  
Criminal Procedure Act, No 51 of 1977  
Electronic Communications and Transactions Act, No 25 of 2002  
Employment Equity Act, No 55 of 1998  
Financial Advisory and Intermediary Services Act, No 37 of 2002  
Formalities in Respect of Leases of Land Act, No 18 of 1969  
Hazardous Substances Act, No 15 of 1973  
Income Tax Act, No 58 of 1962  
Insolvency Act, No 24 of 1936  
Labour Relations Act, No 66 of 1995  
Medical Schemes Act 131 of 1998  
National Building Regulations and Building Standards Act, No 103 of 1997  
National Road Traffic Act, No 93 of 1996  
Occupational Health and Safety Act, No 85 of 1993  
Pension Funds Act, No 24 of 1956  
Promotion of Access to Information Act, No 2 of 2000  
Promotion of Equality and Prevention of Unfair Discrimination Act, No 4 of 2000  
Protected Disclosures Act, No 26 of 2000  
Regulation of Interception of Communications and Provisions of Communication Related Information Act, No 70 of 2002  
SA Securities Act, No 36 of 2004  
Sales and Service Matters Act, No 25 of 1964  
Short Term Insurance Act, No 53 of 1998  
Skills Development Act, No 97 of 1997  
Skills Development Levies Act, No 9 of 1999  
South African Reserve Bank Act, No 90 of 1989  
Tobacco Products Control Act, No 12 of 1999  
Trade Marks Act, No 194 of 1993  
Unemployment Insurance Act, No 63 of 2001  
Unemployment Insurance Contributions Act, No 4 of 2002  
Value-added Tax Act, No 89 of 1991

**5. SECTION 51 (1) (c) RECORDS AUTOMATICALLY AVAILABLE**

A notice on the categories of records, which are automatically available from the Private Body without a person having to request access in terms of the Act, has to date not been published.

**6. SECTION 51 (1) (e) RECORDS: SUBJECT AND CATEGORIES**

The subjects and categories of official and/or confidential information on which the Private Body holds records, and which may be requested in terms of the Act are as follows:

- **Financial and Administration Records**
  - Copies of Documents of Incorporation
  - PAYE Records
  - UIF Records
  - VAT Records
  - Invoices
  - Monthly Statements
  - Debit Notes
  - Credit Notes
  - Accounting Records
  - Agreements
  - Banking Records
  - Correspondence
  - Invoices and Statements
  - Statistics SA Returns
  - Statutory Books of Account
  - Audited Financial Statements
  - Audit Reports
  - Insurance Records
  - Management Reports
  - Monthly Reports
  - Minutes of Management Meetings
  
- **Human Resources**
  - Accounting and Payroll Records
  - BEE Statistics
  - HR Policies and Procedures
  - Employment Equity Reports
  - Skills Development Reports
  - Employee Records
  - Salary Records
  - Records Relating to Increases
  - Disciplinary Reports
  - Disability Insurance

- Records of Deductions
  - General Terms of Employment
  - Contracts of Employment
  - Letters of Employment
  - Leave Records
  - PAYE Records and Returns
  - UIF Returns
  - Retirement Benefit and Medical Aid Records
- **Learning and Education**
    - Training Material
    - Training Records and Statistics
    - Training Agreements
- **Information Managing and Technology**
    - Contracts and Agreements
    - Asset Register
    - Information Policies, Standards, Procedures and Guidelines
    - Software Licenses
    - Software Programmes
    - Internet Deduction Records
- **Marketing and Communication**
    - Proposal Documents
    - Marketing Strategies
    - Marketing Brochures
    - Communication Strategies
- **Operations**
    - Agreements
    - Archived Administration Documentation
    - Communication Strategies
    - Contracts
    - Database of Customers
    - Leases
    - Rental Agreements
    - General Correspondence
    - Trade Mark Documents
    - Insurance Documentation
    - PABX Management Information
    - Service Level Agreements
    - Travel Documentation
    - Used Order Books
    - Vehicle Registration Documents

- **Company Secretarial Services**
  - Statutory Documents
  - Annual Reports
  - Corporate Structure Diagrams
  - Memoranda and Articles of Association
  - Share Registers
  - Statutory Returns to Relevant Authorities
  - Share Certificates
  - Shareholder Agreements
  - Meeting Minutes
  - Board Resolutions
  - Minute Book
  - Company Registers
  - Audited Results

## 7. **SECTION 51 (1) (e) ACCESS REQUEST PROCEDURE**

Any person is entitled to request access to information on third parties. However, the requester must fulfil the requirements for access in terms of the Act, including payment of a request and access fee. Failure to do so will result in the request being refused.

It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. Any application is subject to certain limitations if the requested record falls within a specific category as specified in the Act.

### Form of Request

To make a request for access to a record, the requester must complete the prescribed form enclosed herewith as **Appendix 1**.

The form and a copy of the requester's identity document must be submitted to the Information Officer via conventional mail, electronic mail, or facsimile as indicated in the Private Body's manual.

From the completed form, the Information Officer must be able to identify:

- The record or records requested;
- The identity of the requester;
- If the request is granted, which form of access is required;
- The postal address or facsimile number of the requester;
- If the requester requires notice of the decision to either grant or deny the request in any manner, other than in writing.

The requester must identify the right that is sought to be exercised or protected, and provide an explanation of why the requested record is required for the exercise or protection of that right. If the right is not clearly defined, the Information Officer may refuse access to the record requested.

If an individual cannot complete the prescribed form because of illiteracy, disability or for any other reason, the individual can submit the request orally to the Information Officer.

If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

### Fees in Respect of Private Bodies

For every other requester who submits a request for access to information held by the Private Body on a person other than the requester himself/herself, a **request fee** of R50 excluding VAT is payable upfront before the Private Body will further process the request received.

A requester who requires access to a record containing personal information about that requester is not required to pay the request fee.

The head of the Private Body must notify the requester (other than a personal requester) by issuing of a notice, of the requirement to pay the prescribed fee before processing the request further.

The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.

The Information Officer will then make a decision on the request and notify the requester in the required form (see Notification below).

If the request is granted then an **access fee** must be paid for the search, reproduction, preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

The 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 specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54(8).

### Deposits:

Where the Private Body receives a request 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.



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

Where a deposit has been paid in respect of a request for access, which is subsequently refused, the Information Officer will refund monies paid.

Details regarding the prescribed fees are available from the Information Officer and from the South African Human Rights Commission.

Payment details for the Private Body can be obtained from the Information Officer who is entitled to withhold a record until the requester has paid the fees as indicated in **Appendix 2**.

These fees are not applicable to personal requesters. The Private Body will voluntarily provide the personal requester with the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

### Notification

The Private Body will inform the requester within 30 days from receipt of the request of its decision to grant or deny the request. The 30 day period may be extended with a further period of not more than 30 days if:

- the request is for a large number of records; or
- requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the Private Body; or
- the records are not located at the building of the Private Body; or
- consultation amongst divisions within the Private Body or another Private Body, or a third party are required.

If the request is granted, the written notice issued by the Private Body must state:

- the access fee to be paid;
- the form in which access will be given; and
- that the requester may lodge an application with a Court against the access fee to be paid or the form of access granted, and the procedure for lodging such application.

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

If the request is refused, the notice issued by the Private Body must state:

- adequate reasons for the refusal, including the provisions of the Act relied upon, and
- state that the requester may lodge an application with a Court against the refusal of the request, and the procedure (including the period) for lodging the application

## **8. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

Apart from Section 7 of the Act, and subject to Section 70 of the Act, the main grounds for the Private Body to refuse a request for information relates to the –

- 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;
- 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 Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- mandatory protection of the safety of individuals and the protection of property;
- mandatory protections of records which would be regarded as privileged in legal proceedings; unless the person so entitled to privilege waives the privilege (Section 67);
- the commercial activities of the Private Body, which may include –
- trade secrets of the Private Body;
- financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the Private Body;
- information which, if disclosed could put the Private Body at a

disadvantage in negotiations or commercial competition;

- a computer programme which is owned by the Private Body, and which is protected by copyright.
- the research information of the Private Body or a third party, if its disclosure would disclose the identity of the Private Body, 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.

**9. PART 4 OF THE ACT: REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION**

The Private Body does not have an internal appeal procedure and any decision made by the Information Officer is final.

If the requester is dissatisfied with the Information Officer's decision, the requester may within 30 days after notification of the refusal apply to a court for the appropriate relief.

Likewise, a third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief.

**SECTION 51 (1) (f) OTHER INFORMATION AS MAY BE PRESCRIBED**

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

**10. SECTION 51 (3) AVAILABILITY OF THE MANUAL**

This manual is available for inspection at the Private Body's physical address, free of charge.

The manual is also available on Private Body's website ([www.glasfit.com](http://www.glasfit.com)) and can be obtained from the South African Human Rights Commission.