

TriFert (Pty) Ltd

(Registration Number: 2000/016981/07)

PAIA Manual

This PAIA Manual was prepared in terms of

Section 51 of

The Promotion of Access to Information Act Number 2 of 2000 ("the Act")

- 1 Introduction
- 2 Purpose of the Manual.
- 3 Overview of Trifert (Pty) Ltd.
- 4 Contact information as required in terms of Section (51)(1)(a) of the Act.
- 5 The Information Officer.
- 6 Guide in the PAIA as referred to in Section 10.
- 7 The latest notice in terms of Section 52(2).
- 8 Records available without request to access in terms of the Act.
- 9 Records available in terms of any other Legislation.
- 10 Subjects & Categories of records only available on request to access .
- 11 The Request Procedure.
- 12 Grounds for refusal of access to records.
- 13 Other information required by legislation.
- 14 Availability of the Manual.
- 15 Approval of PAIA Manual.

1. INTRODUCTION

The Promotion of Access to Information Act, No. 2 of 2000 ("the Act") was enacted to give effect to the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights as well as to provide for matters connected therewith.

In terms of Section 51 of the Act, all Private Bodies are required to compile an Information Manual ("PAIA Manual").

Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and / or regulatory requirements, except where the Act expressly provides that the information may or must not be released. The Act sets out the relevant procedure to be adopted when requesting information from a Public or a Private Body.

This manual may be amended from time to time and any new versions of the manual will be made public.

2. PURPOSE OF THE PAIA MANUAL

This PAIA Manual is intended to ensure that TriFert complies with the Act and to foster a culture of transparency and accountability within TriFert by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.

In order to promote effective governance of private bodies TriFert recognises the fundamental right that everyone be empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Furthermore, it is noted that in terms of Section 39 of the Constitution of South Africa (Act 108 of 1966), Section 9 of the Act, recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations.

This PAIA Manual has been drafted in accordance with the generic example for private bodies as illustrated by the Human Rights Commission and compiled to inform and assist any potential requesters of the procedural and other requirements which a request for information must meet as prescribed by the Act.

3. OVERVIEW OF TRIFERT PTY LTD

TriFert (Pty) Ltd, incorporated in 2000, is a manufacturer and supplier of liquid and granular fertilizer blends, operating within laws of South Africa. The entity trades as "TriFert" operating from various sites nationally within South Africa. This PAIA Manual is relevant and has application to the various depots from which it operates.

This PAIA Manual for Trifert is available to view at its premises namely; Portion 28, Mosesriviermond 27-JS, Limpopo 0450, as well as on its website: www.trifert.co.za

4. CONTACT INFORMATION AS REQUIRED IN TERMS OF (SECTION 51(1)[A] OF THE ACT

Registered Address	219 Nigel Road, Selcourt, Springs, 1559
Physical Address	Portion 28, Mosesriviermond 27-JS, Limpopo, 0450
Postal Address	PO Box 3, Marble Hall, Limpopo, 0450
Telephone Number	+27 13 262 6671 (Switchboard)
Website	www.trifert.co.za
Company Email Address	info@trifert.co.za
Chief Executive Officer	Jacques Roos
Information Officer	Paul Cook paul@trifert.co.za
Deputy Information Officer	Carla Senekal Carla@trifert.co.za

5. THE INFORMATION OFFICER [Section 51(1)(b)]

The Act prescribes the appointment of an Information Officer for public bodies where such Information Officer is responsible to, inter alia, assess request for access to information. The head of a private body fulfils such a function in terms of section 51. TriFert has opted to appoint an Information Officer to assess such a request for access to information as well as to oversee its required functions in terms of the Act.

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. The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and responsibilities in terms of section 55 of the Protection of Personal Information Act 4 of 2013 after registering with the Information Regulator.

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 the Protection of Personal Information Act 4 of 2013. This is in order to render TriFert as accessible as reasonable possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the Protection of Personal Information Act 4 of 2013. All request for information in terms of this Act must be addressed to the Information Officer.

6. GUIDE ON THE PAIA AS REFERERED TO IN SECTION 10

The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

A Guide has been compiled in terms of Section 10 of PAIA by the South African Human Rights Commission (SAHRC). It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

Any queries regarding this guide can be addressed directly to the SAHRC at:

The South African Human Rights Commission
PAIA Unit – The Research and Development Department

Braampark Forum 3,
33 Hoofd Street,
Braamfontein

Private Bag x 2700, Houghton 2041

Tel: +27 11 484 8300

Fax: + 27 11 484 0582

Email: paia@sahrc.org.za

Website: www.sahrc.org.za

7. THE LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY) [Section 51(1)(C)]

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 Section 52(2) of the Act.

8. RECORDS AVAILABLE WITHOUT A REQUEST TO ACCESS IN TERMS OF THE ACT

Records of a public nature or information already in the public domain, typically those disclosed on TriFerts website, may be accessed without the need to submit a formal application.

Where such records exist this information may be accessed without 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.

9. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

Where applicable to its operations, TriFert 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 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.

- Air Quality Act 39 of 2004
- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Customs and Excise Act 91 of 1964
- Customs Duty Act 30 of 2014
- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Intellectual Property Laws Amendments Act 38 of 1997
- Labour Relations Act 66 of 1995
- Merchandise Marks Act 17 of 1941
- National Credit Act 34 of 2005
- National Water Act 36 of 1998
- Occupational Health and Safety Act 85 of 1993
- Pension Fund Act 24 of 1956
- Protection of Personal Information Act 4 of 2013
- Promotion of Access to Information Act 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Skill Development Levies Act 9 of 1999
- Skills Development Act 97 of 1998
- Tax Administration Act 28 of 2011
- Tax Administration Laws Amendment Act 44 of 2014
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991
- Such other legislation as may from time to time be applicable.

It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA Manual.

10. SUBJECTS & CATEGORIES OF RECORDS AVAILABLE ONLY ON REQUEST TO ACCESS IN TERMS OF THE ACT (SECTION 21(1)(e))

For the purposes of this clause "Personnel" refers to any person who works for, or provides services to, or on behalf of TriFert and receives or is entitled to receive remuneration and any other person who assist in carrying out or conducting the business of TriFert. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

This clause serves as a reference to the categories of information that TriFert holds. The information is classified and grouped according to records relating to the following subjects and categories:

Subject	Category
Corporate Governance Records	<ul style="list-style-type: none"> • Documents of Incorporation; • Index of names of Directors; • Memorandum of Incorporation; • Minutes of meetings of the Board of Directors; • Minutes of meetings of Shareholders; • Proxy forms; • Register of directors' shareholdings; • Share certificates; • Share Register and other statutory registers and/or records and/or documents; • Special resolutions/Resolutions passed at General Meetings; • Records relating to the appointment of: <ul style="list-style-type: none"> - Auditors; - Directors; - Public Officer; - Secretary
Financial Records	<ul style="list-style-type: none"> • Accounting Records; • Annual Financial Reports; • Annual Financial Statements • Asset Registers; • Bank Statements; • Banking details and bank accounts; • Banking Records; • Debtors / Creditors statements and invoices; • General ledgers and subsidiary ledgers; • General reconciliation; • Invoices; • Insurance policies and records; • Paid Cheques; • Policies and procedures; • Rental Agreements; and • Tax Returns
Income Tax Records	<ul style="list-style-type: none"> • PAYE Records; • Documents issued to employees for income tax purposes; • Records of payments made to SARS on behalf of employees; • All other statutory compliances: <ul style="list-style-type: none"> o VAT o Skills Development Levies o UIF o Workmen's Compensation
Personnel & Human Resource Records	<ul style="list-style-type: none"> • Accident books and records; • Address Lists; • Disciplinary Code and Records;

	<ul style="list-style-type: none"> • Employee benefits arrangements rules and records; • Employment Contracts; • Employment Equity Plan • Forms and Applications; • Grievance Procedures; • Leave Records; • Medical Aid Records; • Payroll reports/ Wage register; • Pension Fund Records; • Safety, Health and Environmental records; • Salary Records; • SETA records • Standard letters and notices • Training Manuals; • Training Records; • Workplace and Union agreements and records
Procurement Records	<ul style="list-style-type: none"> • Standard Terms and Conditions for supply of services and products; • Contractor, client and supplier agreements; • Lists of suppliers, products, services and distribution; and • Policies and Procedures. • Import Records
Sales Records	<ul style="list-style-type: none"> • Customer details • Credit application information • Information and records provided by a third party • Suretyship, Guarantees and Cession records provided by Customers.
Marketing & Business Growth	<ul style="list-style-type: none"> • Advertising and promotional material; • Marketing strategies and business development.
Risk Management and Audit	<ul style="list-style-type: none"> • Audit reports; • Risk management frameworks; and • Risk management plans.
Safety, Health and Environment	<ul style="list-style-type: none"> • Complete Safety, Health and Environment Risk Assessment • Environmental Managements Plans • Inquiries, inspections, examinations by environmental authorities • Quality Control Records
Information Technology	<ul style="list-style-type: none"> • Disaster recovery plans; • Hardware asset registers; • Information security policies/standards/procedures; • Information technology systems and user manuals • Information usage policy documentation; • Project implementation plans; • Software licensing; and • System documentation and manuals.

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

11. THE REQUEST PROCEDURE

The requester must comply with all the procedural requirements contained in PAIA, relating to the request for access to a record.

A request for information must be made in the prescribed form, a copy of which is annexed hereto as Appendix 2 and must be addressed to the Information Officer and furthermore such request must be submitted with the prescribed fee. Annexure 1 contains a schedule of the prescribed fees as gazetted.

The prescribed form must be completed with enough particularity to at least enable the information Officer to identify the following:

- The record or records required by the requester;
- The identity of the requester and such person acting on behalf of the requester where applicable;
- What form of access is required, if the request is granted;
- The telephone number, postal address or fax number of the requester (within the Republic of South Africa).
- The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

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.

The request forms and fee structure can also be obtained via the South African Human Rights Commission's website.

12. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

Access to certain records may be or must be denied on the grounds set out in the Act. This includes:

- Mandatory protection of privacy of a third party who is a natural person;
- Mandatory protection of commercial information of third party;
- Mandatory protection of certain confidential information of third party;
- Mandatory protection of safety of individuals, and protection of property;
- Mandatory protection of records privileged from production in legal proceedings;
- Commercial information of private body;
Mandatory protection of research information of third party, and protection of research information of private body.

The Trifert does not have internal appeal procedures regarding PAIA requests. As such, the decision made by the duly Information Officer is final. If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator (once established), for relief.

13. OTHER INFORMATION REQUIRED BY LEGISLATION

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

14 . AVAILABILITY OF THE MANUAL

This manual is available for inspection at the TriFert's physical address, free of charge. Copies of this manual can also be obtained from the South African Human Rights Commission.

The request forms and fee structure can be obtained via the South African Human Rights Commission's website

15. APPROVAL OF PAIA MANUAL

This information manual has been prepared in accordance with Section 51(1) of the Promotion of Access to Information Act, No.2 of 2000 and is hereby approved by :

Jacques Roos
Chief Executive Officer

Annexure 1 - Prescribed Fees

	Description	Rand
1	The fee for a copy of the manual as contemplated in regulation 9(2)(c) – for every photocopy of an A4-size page or part thereof	1.10
2	The fees for reproduction referred to in regulation 11(1) are as follows:	
(a)	For every photocopy of an A4-size page or part thereof	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	0.75
(c)	For a copy in computer-readable form on [USB drive]	60.00
(d)(i)	For a transcription of visual images, or an A4-size page or part thereof	40.00
(d)(ii)	For a copy of visual images	60.00
(e)(i)	For a transcription of an audio record, for an A4-size page or part thereof	20.00
(e)(ii)	For a copy of an audio record	30.00
3	The request fee payable by a requestor referred to in regulation 11(2)	50.00
4	The access fees payable by a requestor referred to in regulation 11(3) are as follows:	
4.1(a)	For every photocopy of an A4-size page or part thereof	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	0.75
(c)	For a copy in computer-readable form on [USB drive]	60.00
(d)(i)	For a transcription of visual images, for an A4-size page or part thereof	40.00
(d)(ii)	For a copy of visual images	60.00
(e)(i)	For a transcription of an audio record, for an A4-size page or part thereof	20.00
(e)(ii)	For a copy of an audio record	30.00
(f)	To search for and prepare the record for disclosure R30,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation	
4.2	For purposes of section 54(2) of the Act the following applies:	
(a)	Six hours as the hours to be exceeded before a deposit is payable; and	
(b)	One-third of the access fee is payable as a deposit by the requestor	
4.3	The actual postage is payable when a copy of a record must be posted to a requestor	
<p>Note: People who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R14 712.00 per annum (if single) and (R27 192.00 per annum (if married or in a life partnership) are also exempt from paying the request fees.</p>		

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:

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2. Reference number, if available:

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3. Any further particulars of record:

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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:

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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 below, 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 for access 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:					
	copy of record*		inspection of record		
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*
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)		
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)

*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
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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:

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.....

.....

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

.....

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.....

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..... ofyear

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE