



Sunderland Marine (Africa) Limited

Promotion of Access to Information Manual

The Promotion of Access to Information Act (the "Act") gives all South Africans the right to have access to records held by the state, government institutions and private bodies.

The following are the objectives which the Act seeks to achieve:

- To ensure that the state takes part in promoting a human rights culture and social justice;
- to encourage openness and to establish voluntary and mandatory mechanisms or procedures which give effect to the right of access to information in a speedy, inexpensive and effortless manner as reasonably possible; and to
- promote transparency, accountability and effective governance of all public and private bodies, by empowering and educating everyone to understand their rights in terms of the Act.

1. Contact Details

Address: Ground Floor,
ICR House,
Alphen Office Park,
Constantia Main Road,
Constantia,
Cape Town
South Africa

Telephone: +27 21 7944 860

Fax: +27 21 7948 743

Email: wfb@smmi.co.za (William Barratt – Branch Manager)

2. The South African Human Rights Commission Guide

Section 32(1)(a) of the Constitution of the Republic of South Africa Act ("the Constitution") provides that everyone has a right of access to any information held by the state and any information held by another person that is required for the exercise or protection of any rights.

The South African Human Rights Commission ("the Commission") is committed to monitoring, promoting and ensuring the implementation of the right of access to information. The Commission is a national institution, responsible for promoting respect for human rights and a culture of human rights. The Promotion of Access to Information Act ("the Act") is the only freedom of information legislation that permits access to records held by private bodies.

Section 10 of the Act provides that the Commission must compile simple and easily comprehensible guidelines on how to use the Act. The Guide is published in all 11 official languages, with an electronic version of the Guide

Directors: W.F. Barratt, C.J. Hess, R.S. Napier, G.C. Parkinson (British), M.K. Sheraton (British)

Sunderland Marine (Africa) Limited, Ground Floor, ICR House, Alphen Office Park, Constantia Main Road, Constantia, Cape Town 7806, South Africa

Tel: +27 21 7944860 Fax: +27 21 7948743 E-mail: wfb@smmi.co.za

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being kept on the website of the Commission: www.sahrc.za. Any person may request a copy of the Guide. The Guide will be updated monthly to keep up to date with developments and changes regarding the contact details of Information Officers of public bodies and general information on the Act.

3. Records which SMA retains in compliance with any other legislation

SMA currently retains no records in terms of other legislation.

4. Request for access to SMA records

A request for access to a record is made by completing a Form C request form. The request form must be completed and submitted to the SMA Office Manager from whom access to a record is sought. The form must provide sufficient information to enable the Office Manager to identify the record(s) requested and to identify the requester. The Office Manager must respond to the request within 30 days. A copy of the form is available from the offices and the website of the Commission at www.sahrc.org.za.

A requester may make a request for access to records held by SMA. The requester's right of access to a record held by SMA includes a right of access to any record containing personal information about the requester, or a person on whose behalf the request is made. If the request is made on someone else's behalf, the requester must accompany any request with proof of the capacity in which the request is being made.

The Office Manager to whom the request is made will notify the requester in writing to pay any prescribed request fee before processing the request.

The following is a summary of the grounds upon which the branch manager is entitled to raise, as grounds for the refusal of access to any records held by SMA:

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

If access to a particular record is refused, a requester who has fully complied with all the requirements of the Act in making the request, may within 30 days, and by way of an application, apply to the court, for appropriate relief. The court will then review the request and decide whether in fact the information requested for should be provided.

5. Fees chargeable to requesters

In accordance with Part III of Regulation 187 published in the Government Gazette, the following access fees apply for a request made to a private body:

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• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electric or machine-readable form	0,75
• For a copy in a computer-readable form on –	
i. stiffer disk	7,50
ii. compact disk	70,00

- For a transcription of visual images, for an A4-size page or part thereof 40,00
- For a copy of visual images 60,00
- For a transcription of an audio record, for an A4-size part of part thereof 20,00
- For a copy of an audio record 30,00
- To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.

6. Subjects and categories of records held by SMA

The following is a list of subjects and categories of records held by SMA. Please note certain grounds of refusal as set out above may be applicable to a request for such records.

- Financial / accounting and tax records;
- HR / employment records;
- Insurance policies, client information / correspondence and email data; and
- Board papers / company business plans.

7. Availability of the manual

A copy of the information manual is available on request at the following places:

- South African Human Rights Commission;
- the company head office; and
- the company website.