

PROMOTION OF ACCESS TO INFORMATION ACT

SECTION 51 MANUAL

FOR

LEOMAT CONSTRUCTION (PTY) LTD

(REG NO. 1979/00651/07)

1. INTRODUCTION

This manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("the Act"). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right.

The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

This manual applies in respect of each member of the **LEOMAT CONSTRUCTION (PTY) LTD in South Africa ("LEOMAT")** as set out in this manual and as **Leomat Construction**. The information Officer named below is appointed in respect of **Leomat** as a whole and in respect of each of the private bodies constituting **Leomat**.

2. DEFINITIONS

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely –

- **"Act"** means the Promotion of Access to Information Act, Act 2 of 2000, as amended from time to time;
- **"Information Officer"** means the person acting on behalf of Leomat and discharging the duties and responsibilities assigned to the "head" of Leomat by the Act. The Information Officer is duly authorised to act as such and such authorisation has been confirmed by the "head" of Leomat in writing;
- **"Manual"** means this manual published in compliance with Section 51 of the Act;
- **"Leomat Construction"** means Leomat Construction (Pty) Ltd 1979/006519/07 referred to as "Leomat";
- **"Personnel"** means any person who works for or provides services to or on behalf of Leomat and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Leomat. This includes without limitation, directors (both executive and non-executive), all permanent, temporary and part-time staff as well as consultants and contract workers;
- **"Record"** means any recorded information, regardless of form of medium, which is in the possession or under the control of Leomat, irrespective of whether it was created by Leomat;
- **"Request"** means a request for access to a record of Leomat;
- **"Requestor"** means any person, including a public body or an official thereof, making a request for access to a record of Leomat and includes any person acting on behalf of that person; and
- **"SAHRC"** means the South African Human Rights Commission.

Unless a contrary intention clearly appears, words signifying:

- the singular includes the plural and vice versa;
- any one gender includes the other genders and vice versa; and
- natural persons include juristic persons.

Terms of defined in the Act shall have the same meaning in this Manual.

3. LEOMAT CONSTRUCTION

4. AVAILABILITY OF THIS MANUAL

A copy of this Manual is available on our website (www.leomat.co.za) or by sending a request for a copy to the Information Officer by email. The Manual may also be inspected at the address set out below. In addition, this manual can be accessed through the SAHRC at its address set out below. This Manual will be updated from time to time, as and when required.

5. HOW TO REQUEST ACCESS TO RECORDS HELD BY LEOMAT

Requests for access to records held by **Leomat** must be made on the request forms that are available from the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za) (under “regulations”).

For the convenience of requestors, copies of such forms are included in the version of this Manual available at our address set out below and on our website. Please note that requestors are also required to make payment of the prescribed fees. This issue is dealt with more fully below.

Requests for access to records must be made to our Information Officer at the address, telephone number or electronic mail address provided for below.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester.

If you are aware of the company within Leomat that holds the record/s you are requesting, please indicate this fact clearly. Where you are unsure of the company name, please indicate this and give as much detail as possible to facilitate our search for the record/s concerned. Please note that your failure to specify a company name will not invalidate your request, but it may cause unavoidable delays.

The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

The requester must identify the right that he or she 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.

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

The standard form that must be used for the making of requests is attached as Annexure 2. Not using this form could cause your request to be refused (if you do not provide sufficient information or otherwise) or delayed.

The list detailing the prescribed fees in respect of requests and the fees in respect of access to records (if the request is granted) is attached as Annexure 3

Annexures 2 and 3 are included in copies of this Manual available on the **Leomat** website and head office but need not and are not included in the copy of this Manual delivered to the SAHRC.

Kindly note that all requests to **Leomat** or any of its constituent companies will be evaluated and considered in accordance with the Act. Publication of this manual and describing the categories and subject matter of information held by Leomat does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

6. CONTACT DETAILS

Name of Private Body	Leomat Construction (Pty) Ltd
Designated Information Officer	Elena Martins
Email Address of Information Officer	elena@leomat.net

Postal Address	POBOX 949 Richards Bay 3900
Street Address	5 Chlookring Alton Richards Bay 3900
Phone Number	035 797 4611

7. HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT

Please contact the SAHRC to obtain the guide. Their details are reflected below:

The South African Human Rights Commission:
PAIA Unit
The Research and Documentation Department
Postal address:
Private Bag 2700
Houghton, 2041
Telephone: +27 11 484 8300
Fax: +27 11 484 0582
Website: www.sahrc.org.za
E-mail: paia@sahrc.org.za

8. VOLUNTARY DISCLOSURE

Notices in terms of Section 52 are voluntary, yet **Leomat** does make certain information freely available (without being obliged thereto).

Other information relating to **Leomat** is freely available on the **Leomat** website at www.leomat.co.za. Certain other information relating to the **Leomat** is also made available on such website from time to time as well as on various of the other websites operated by **Leomat**. Promotional brochures relating to specific products and services are also published and distributed from time to time.

9. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

Information is available in terms of the following legislation to the persons or entities specified in such legislation:

General

- Protection of Personal Information Act, Act Nr 4 of 2013.
- Companies Act 61 of 1973
- Income Tax Act 58 of 1962
- Value Added Tax Act 89 of 1991
- Labour Relations Act 66 of 1995
- Basic Conditions of Employment Act 75 of 1997.
- Employment Equity Act 55 of 1998
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993.
- Occupational Health & Safety Act 85 of 1993
- Skills Development Act 97 of 1998
- Skills Development Levels Act 9 of 1999
- Unemployment Insurance Act 30 of 1966.
- Unemployment Contributions Act No. 4 of 2002
- National Environmental Management Act 107 of 1998.

Temporary

From time-to-time **Leomat** may accept liability to retain records under other legislation and to grant access thereto. This is dependent on contracts entered into by **Leomat** and are usually provided as a service to clients and of limited duration.

10. RECORDS HELD BY LEOMAT CONSTRUCTION

We maintain records on the following categories and subject matters. **However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured.** All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of the Act.

Please note further that many of the records held by us are those of third parties, such as customers and employees and we take the protection of third party confidential information very seriously.

Please **ensure that requests for such records are carefully motivated to avoid rejection.**

10.1 Internal records

The following are records pertaining to **Leomat's** own affairs and those of its constituent companies:

- Memorandum and Articles of Association;
- Financial records;
- Operational records;
- Risk documentation;
- Intellectual property;
- Marketing records;
- Internal correspondence;
- Product records;
- Statutory records;
- Internal policies, procedures and standards;
- Minutes of meetings;
- Charters, codes of conduct and policies (both internal and external) to which **Leomat** subscribes; and
- Records held by officials of **Leomat**

10.2 Personnel records

Personnel refers to any person who works for or provides services to or on behalf of **Leomat** and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of the **Leomat**.

This includes, without limitation, directors, executives, non-executives, all permanent, temporary and part-time staff as well as contract workers.

Personnel records include the following:

- Any personal records provided to us by our personnel;
- Any records a third party has provided to us about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Employment policies and procedures;
- Internal evaluation records; and
- Other internal records and correspondence.

10.3 Customer-related records

Customer-related information includes the following:

- Contracts with the customer and between the customer and other persons;

- Any records a customer has provided to the **Leomat** or a third party acting for or on behalf of **Leomat** (including plans, specifications, approvals, licences, reports, intellectual property rights and the like);
- Any credit records or other research conducted by **Leomat** in respect of its customers or research derived by **Leomat** from its customers and their activities;
- Records, reports, designs and the like generated by **Leomat** for its customers;
- Any records a third party has provided to **Leomat** either directly or indirectly; and
- Records generated by or within **Leomat** pertaining to the customer, including transactional records.

10.4 Other Parties

Records are kept in respect of other parties, including without limitation, joint ventures and consortia to which the **Leomat** is a party, contractors and subcontractors, suppliers, subsidiary/holding/sister companies, service providers, and general market conditions. In addition, such other parties may possess records which can be said to belong to the **Leomat**.

The following records fall under this category:

- Personnel, customer, **Leomat** records which are held by another party as opposed to being held by **Leomat**; and
- Records held by **Leomat** pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers.

10.5 Other Records

Further records are held including:

- Information relating to **Leomat's** own commercial activities;
- Procurement and administration for **Leomat**; and
- Research information belonging to **Leomat** or carried out on behalf of a third party.

	COMPANY NAME	REGISTRATION NUMBER
	OPERATING COMPANIES	
1.	Leomat Construction (Pty) Ltd	1979/006519/07