

INFORMATION MANUAL

(September 2013, Version 2)

**Compiled in terms of Section 51 of the
Promotion of Access to Information Act
No. 2 of 2000**

Macrolan Proprietary Limited

Registration Number 2013/137402/07

(previously Macrolan CC, registration number 1997/050515/23)

**A copy of the manual is available for inspection at the Human Rights Commission
and at the registered office of Macrolan Proprietary Limited, being as follows:**

Unit1
The Waverly Business Park
Wycroft Road
Mowbray 7700
Western Cape
South Africa

1 INTRODUCTION

- 1.1 The Promotion of Access to Information Act of 2000 (hereinafter referred to as “**the Act**”) was enacted to give effect to section 32 of the Constitution of South Africa, which provides that everyone has the right of access to any information held by another person where such information is required for the exercise or protection of any rights.
- 1.2 In giving effect to section 32 of the Constitution of South Africa, the State of South Africa bore in mind that such right to access to any information held by another person must be limited to the extent that the limitations are reasonable and the Act accordingly provides for certain grounds upon which a person being requested to grant access to certain information may deny such request.
- 1.3 The Act is aimed at fostering a culture of transparency and accountability in both public and private bodies and at actively promoting a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights.

2 OVERVIEW

- 2.1 Macrolan (Pty) Ltd (“**Macrolan**”) is private company incorporated under the laws of South Africa that carries on the business of computer technology supplies and all related services.
- 2.2 Macrolan was originally incorporated as a close corporation under the name Macrolan CC and with registration number 1997/050515/23, but converted to a private company under the Companies Act, 2008 on 8 August 2013.
- 2.3 Macrolan carries on its business in the Western Cape.

3 ADMINISTRATION OF THE ACT

[\(Information required under Section 51\(1\)\(a\) of the Act\)](#)

Macrolan has duly authorized the contact person below to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner:

Contact person: **Matthew James Campbell**

Postal address: P O Box 6251, Roggebaai 8012, Western Cape

Physical address: Unit1, The Waverly Business Park, Wycroft Road, Mowbray 7700
Western Cape

Telephone number: +27 (21) 442 6540

Fax number: +27 (86) 688 6703

E-mail: info@macrolan.co.za

4 GUIDE FOR REQUESTERS ON HOW TO USE THE ACT

[\(Information required under Section 51\(1\)\(b\) of the Act\)](#)

A guide on how to use the Act was compiled by the Human Rights Commission in terms of Section 10 of the Act. Any queries should be directed to:

The South African Human Rights Commissioner:
PAIA Unit, The Research and Documentation Department

Postal address: Private Bag X2700
Houghton
2041

Telephone: +27 11 484 8300

Fax: +27 11 484 0482

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za and dmalesa@sahrc.org.za

5 AUTOMATIC AVAILABILITY OF CERTAIN RECORDS

[\(Information required under Section 51\(1\)\(c\) of the Act\)](#)

Records lodged in terms of requirements of the South African government as set out in various legislation and/or required by various statutory bodies, including the Companies and Intellectual Properties Commission.

The above records which are of a public nature are available automatically without a person having to request access thereto in terms of the Act, as envisaged in Section 52 of the Act.

6 RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION

[\(Information required under Section 51\(1\)\(d\) of the Act\)](#)

For the purposes of this manual and the Act, the records held by Macrolan are categorized by the nature of the content thereof as follows:

- 6.1 Records kept in accordance with applicable South African legislation, including but not limited to:
 - 6.1.1 Companies Act No. 71 of 2008;
 - 6.1.2 Income Tax Act No. 58 of 1962;
 - 6.1.3 Value-Added Tax Act No. 89 of 1991;
 - 6.1.4 Occupational Health and Safety Act No. 85 of 1993;
 - 6.1.5 Basic Conditions of Employment Act No. 75 of 1997;
 - 6.1.6 Employment Equity Act No. 55 of 1998;
 - 6.1.7 Labour Relations Act No. 66 of 1995;
 - 6.1.8 Financial Intelligence Centre Act No. 28 of 2011;
 - 6.1.9 Skills Development Levies Act No. 9 of 1999;
 - 6.1.10 Unemployment Insurance Act No. 30 of 1966;
 - 6.1.11 Electronic Communications and Transactions Act No. 25 of 2002;
 - 6.1.12 Electronic Communications Act No. 36 of 2005;
 - 6.1.13 Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
 - 6.1.14 Independent Communications Authority of South Africa Act No. 13 of 2000;

- 6.1.15 Independent Communications Authority of South Africa Amendment Act No. 3 of 2006;
- 6.1.16 Private Security Industry Regulation Act No. 56 of 2001.

7 RECORD SUBJECTS AND CATEGORIES

(Information required under Section 51(1)(e) of the Act)

- 7.1 Records relating to the commercial, financial, taxation, investment and professional interests of Macrolan, including but not limited to its client data base, fee structures, commercial contracts with third parties and its business plans, systems and procedures.
- 7.2 Records of personal information of present, past and prospective employees and directors of Macrolan, including but not limited to letters of appointment, payroll records, leave records, HR policies, contracts, employee benefits and standard terms and conditions of employment.
- 7.3 Records of clients of Macrolan containing to personal information, commercial and financial information, information pertaining to contemplated, existing and past litigation, information on agreements, proposals and intellectual and other property of such clients.
- 7.4 Records relating to general correspondence, insurance and general administration.
- 7.5 Records relating to statutory records, including but not limited to founding documentation, resolutions, minutes of meetings, audit reports.
- 7.6 The website address of Macrolan is www.macrolan.co.za.

➤ Form of Request

- The requester must have the prescribed form being **Schedule 1** to this manual to make the request for access to a record of Macrolan. This must be made to the head of Macrolan indicated in paragraph 3 of the manual and must be made to the address, fax number or electronic mail address of Macrolan.
- The requester must provide sufficient detail on the request form to enable the head of Macrolan to identify the relevant record and the requester. The requester should also indicate which form of access is required and specify a postal address or fax number in South Africa. The requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- 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 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 head.

➤ **Fees**

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

1. The head of Macrolan must by notice require the requester (other than a personal requester) to pay the prescribed request fee (if any) before further processing the request.
2. The fee that the requester must pay is R50 (or as amended by the Minister of Justice and Constitutional Development from time to time). The requester may lodge an application to the court against the tender or payment of the request fee.
3. After the head of Macrolan has made a decision on the request, the requester must be notified in the required form.
4. If the request is granted then a further access fee must be paid for reproduction and for search and preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

➤ **Grounds for Refusal**

Macrolan may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which Macrolan may refuse access include:

1. disclosure of the record (containing trade secrets, financial, commercial, scientific, technical or any other confidential information) would harm the commercial or financial interests of Macrolan;
2. the record is privileged from production in legal proceedings, unless the legal privilege has been waived;
3. protecting personal information that Macrolan holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
4. protecting commercial information that Macrolan holds about a third party or Macrolan (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation or the third party);
5. if disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
6. if disclosure of the record would endanger the life or physical safety of an individual;
7. if disclosure of the record would prejudice or impair the security of property or means of transport;
8. if disclosure of the records would prejudice or impair the protection of a person in accordance with a witness protection scheme;
9. if disclosure of the record would prejudice or impair the protection of the safety of the public;
10. disclosure of the record would put Macrolan at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
11. the record is a computer programme; and
12. the record contains information about research being carried out or about to be carried out on behalf of a third party or Macrolan.

➤ **Records that cannot be found or do not exist**

If Macrolan has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

8 OTHER INFORMATION PRESCRIBED TO BE INCLUDED

[\(Other information as may be prescribed under Section 51\(1\)\(f\) of the Act\)](#)

The Minister of Justice and Constitutional Development has not made any regulations in this regard as at the date of this manual.

9 AVAILABILITY OF MANUAL

[\(Availability of manual under Section 51\(3\) of the Act\)](#)

An unabridged version of this manual is available for inspection by the general public upon request, during office hours and free of charge at the offices of Macrolan.

Copies of the manual may also be requested from the South African Human Rights Commission.

10 PRESCRIBED REQUEST FORM AND FEE STRUCTURE

[\(Prescribed form and fee structure in respect of private bodies pursuant to the Act\)](#)

The forms and fee structure prescribed under the Act are available at the website of the Department of Justice and Constitutional Development (www.doj.gov.za) under the "regulations" section.

For and on behalf of:
Macrolan Proprietary Limited

As "head of body" as defined in the Act

SCHEDULE 1

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act of 2000, Regulation 10)

A. Particulars:

Macrolan (Pty) Ltd physical address: Unit1, The Waverly Business Park, Wycroft Road, Mowbray 7700 Western Cape postal address: P O Box 6251, Roggebaai 8012, Western Cape telephone number: +27 (21) 442 6540
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The Head of Information: **Matthew James Campbell**

B. Particulars of person requesting access to the record:

<ol style="list-style-type: none">The particulars of the person who requests access to the information.<i>Furnish an address and/or fax number in the Republic to which information must be sent.</i><i>Proof of the capacity in which the request is made, if applicable, must be attached.</i>

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Contact telephone number: _____

E-mail address: _____

Capacity in which request is made, when made on behalf of another person: (attach proof of capacity, power of attorney, resolution)

C. Particulars of person on whose behalf request is made

<i>This section must only be completed if a request for information is made on behalf of another person.</i>
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Full names and surname: _____

Identity number: _____

D. Particulars of record

- 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.

2. *If the space provided for is sufficient to complete this section, 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:

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

1. *A request for access to the record will only be processed after a request fee has been paid, unless you are exempted from paying such fee.*
2. *You will be notified of the amount required to be paid as the request fee.*
3. *The fee payable for access to the record depends on the form in which access is required.*
4. *If you believe that you qualify for exemption of the payment of the prescribed fee, please state the reason for your belief.*

Reason for exemption from payment of fees:

F. Form of access to record

Mark the appropriate box with an "X".

NOTES:

1. *Your indication as to the required form of access depends on the form in which the record is available.*
2. *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.*
3. *The fee payable for access to the record, if any, will partly be determined by the form in which access is requested.*

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

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

Signed at _____ on this _____ day of _____ 20 _____

SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF
REQUEST IS MADE