

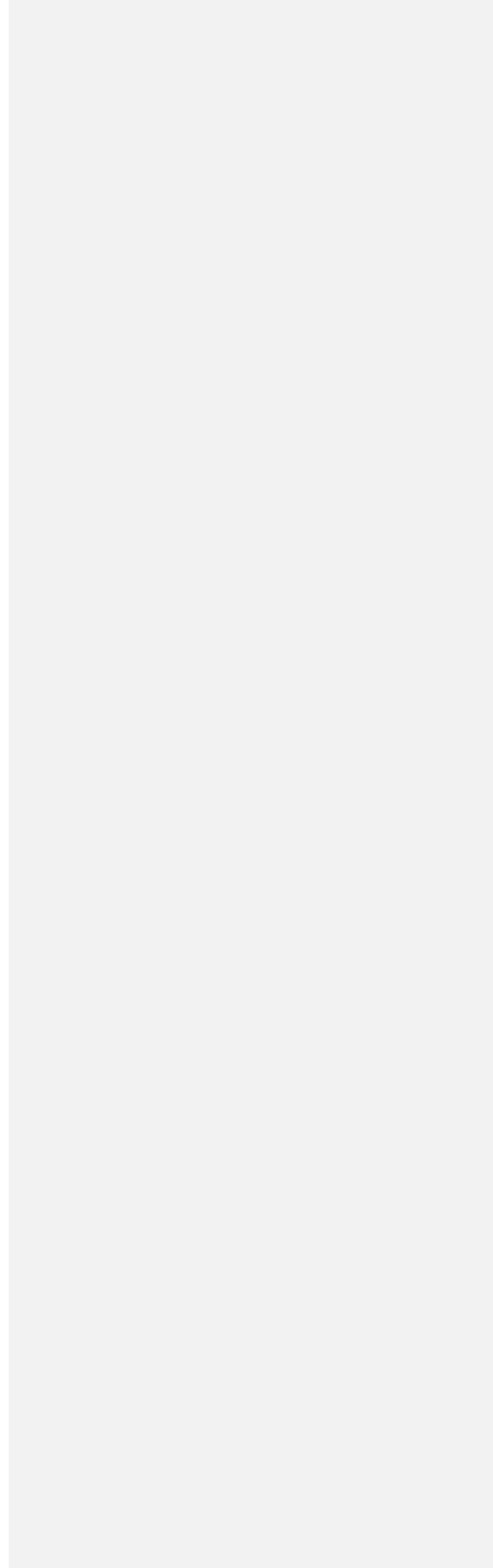
PAIA AND POPI MANUAL INTRODUCTION TEXT:

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") and to address the requirements of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013). The manual applies in respect of EMPA Structures (Pty) Ltd and each related private body that is a member of the Group of companies ("The Company").

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.

Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided.

PAIA AND POPI MANUAL



THIS MANUAL WAS PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 AND TO ADDRESS REQUIREMENTS OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013

This manual applies to EMPA Structures (Pty) Ltd
Registration Number 2015/023522/07
(the "Company")
(Including all Subsidiaries)

Registered office address:
20 Pastorale Street
Durbanville
Cape Town
7550

A Copy of the manual is available for inspection at the EMPA Structures offices and is available on the EMPA Structures website at www.empa.co.za.

1. INTRODUCTION

The Promotion of Access to Information Act, 2000 (the "PAIA Act") gives third parties the right to approach public and private bodies and the government to request information held by them, which is required in the exercise and/or protection of any rights. On request, the public or private body or government is obliged to release such information unless the PAIA Act expressly states that the records containing such information may or must not be released.

Section 14 of the Constitution of the Republic of South Africa, 1996, provides that everyone has the right to privacy. The right to privacy includes a right to protection against the unlawful collection, retention, dissemination and use of personal information.

2. PURPOSE

The purpose of this manual informs requestors of procedural and other requirements which a request must meet as prescribed by PAIA. The POPI Act gives Data Subjects the right to request a Responsible Party to correct or delete Personal Information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of Personal Information about the Data Subject that the Responsible Party is no longer authorised to retain access and/or request the correction or deletion of any Personal Information held about them that may be inaccurate, misleading or outdated.

EMPA Structures (Pty) Ltd ("the Company") believes that this Manual will assist requestors in exercising their rights. The Act seeks, inter alia, to give effect to the constitutional right of access to any information held by the state or by any other person where such information is required for the exercise or protection of any right.

This PAIA Manual was compiled in terms of Section 51 of the PAIA Act to facilitate access to records held by the Company. It contains information required by a person wishing to exercise any right, contemplated by the PAIA Act. It is available in English.

A copy of this Manual is available to the public in a PDF ("Portable Document Format") version on the EMPA Structures Website or on request from the Information Officer referred to in this Manual in two official languages.

3. BACKGROUND TO EMPA STRUCTURES

EMPA Structures specialize in the construction of reinforced concrete structures.

4. INFORMATION REQUIRED UNDER SECTION 51(1)(A) OF PAIA

Name of body	EMPA Structures (Pty) Ltd
Registration Number	2015/023522/07
Information Officer	Isak Bester (Managing Director)
Deputy Information officer	Marius Moller (Financial Manager)
Email address	info@empa.co.za
Physical address	20 Pastorale Street, Durbanville, Cape Town,7550
Postal address	20 Pastorale Street, Durbanville, Cape Town,7550
Telephone Number	+27 (0)21 979 1129
Website	www.empa.co.za

5. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(B)

5.1 The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

5.2 The Guide is available in each of the official languages and in braille.

5.3. The aforesaid Guide contains the description of

5.3.1 The objects of PAIA and POPIA;

5.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of

5.3.2.1. the Information Officer of every public body, and

5.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA1 and section 56 of POPIA2 ;

5.3.3. the manner and form of a request for

5.3.3.1. access to a record of a public body contemplated in section 113 ; and

5.3.3.2. access to a record of a private body contemplated in section 504 ;

5.4 The Guide can also be obtained upon request to the Information Officer or from the website of the Regulator.

Business phone	+27 11 877 3600
Fax	+27 11 403 0625
Email address	section51.paia@sahrc.org.za
Website	www.justice.gov.za/inforeg/

5.4.6 A copy of the Guide is also available in English and Afrikaans, for public inspection during normal office hours.

6. NOTICE IN TERMS OF SECTION 52(2)

The following records are available on the Empa Structures website and available for download without a requestor having to request access to the records.

Category of record	Types of Record	Available on Website	Available upon request
Company Policy	Business Conduct and Ethics	X	X
Company policy	Fraud and Corruption	X	X
PAIA Manual	PAIA Manual	X	X
POPIA	Privacy Policy	X	X

7. SCOPE

This Manual has been prepared in respect of the Company, which includes the following related entities:

- EMPA Structures (Pty) Ltd - L & R Civil (Pty) Ltd
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Commented [RM1]: Only SA entities to be included. Please remove where not applicable and check for completeness.

The scope of this Manual excludes the Company's operations outside the Republic of South Africa and will serve to provide a reference regarding the records held by the Company at its Registered Office and various operations within the borders of the Republic of South Africa.

8. POLICY WITH REGARD TO CONFIDENTIALITY, ACCESS TO INFORMATION AND PROCESSING OF INFORMATION

The Company will protect the confidentiality of information provided to it by third parties, subject to the Company's obligations to disclose information where we have a duty or a right to disclose in terms of law or industry codes, or where we believe it is necessary to protect our rights. If access is requested to a record that contains information about a third party, the Company is obliged to attempt to contact such third party to inform him/her/it of the request.

The Company will give the third party an opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event that the third-party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted to the requestor or not.

8.1 PURPOSE OF PROCESSING PERSONAL INFORMATION

The Company collects and uses PI of the individuals and corporate entities with whom it works in order to operate and carry out its business effectively, and this may include but is not limited to, personal information of employees, contractors, vendors, suppliers, and service providers.

8.2 DESCRIPTION OF THE CATEGORIES OF DATA SUBJECTS AND OF THE INFORMATION OR CATEGORIES OF INFORMATION RELATING THERETO

The following data subjects are applicable to the Company and from the data subjects, the following information may be processed:

- Name, address, registrations numbers or identity numbers, employment statues and bank details.

CATEGORIES OF DATA SUBJECTS
Customers or clients
Jobs candidates or employees, directors, and shareholders
Recruiters and medical practitioners providing services related to employees and contractors;
Contractors, vendors, or suppliers
Community or other stakeholders

9. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: [SECTION 51(1)(D)]

Records are kept in accordance with such other legislation as applicable to the Company, which includes, but is not limited to:

- Basic Conditions of Employment Act 75 of 1997	- Broad-Based Black Economic Empowerment Act 53 of 2003
- Companies Act 61 of 1973	- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998	- Constitution of South Africa Act 108 of 1996
- Consumer Protection Act 68 of 2008	- Financial Intelligence Centre Act 38 of 2001
- Customs and Excise Act 91 of 1964	- Income Tax Act 58 of 1962
- Employment Equity Act 55 of 1998	- National Environmental Management Act 107 of 1998
- Finance Act 35 of 2000	- Occupational Health and Safety Act 85 of 1993
- Insider Trading Act 135 of 1998	- Skills Development Act 97 of 1998
- Insurance Act 27 of 1943	- South African Revenue Service Act 34 of 1997
- Labour Relations Act 66 of 1995	- Unemployment Insurance Act 63 of 2001
- Preferential Procurement Policy Framework Act of 2000	- Value Added Tax Act 89 of 1991
- Promotion of Access to Information Act 2 of 2000	- Short Term Insurance Act 53 of 1998
- Skills Development Levies Act 9 of 1999	- Unemployment Contributions Act 4 of 2002

While the Company has used its best endeavours to supply you with a list of applicable legislation, it is possible that the above list may be incomplete. Wherever it comes to the Company's attention that existing or new legislation allows a requestor access on a basis other than that set out in the PAIA or POPI Acts, we shall update the list accordingly.

10. RECORDS THAT ARE NOT AUTOMATICALLY AVAILABLE

Records of the Company which are not automatically available must be requested in terms of the procedure set out in the Regulations as set out in terms of the POPI Act and which may be subject to the restrictions and right of refusal to access as provided for in the PAIA and POPI Act.

No request shall be accepted telephonically, nor shall any information be supplied telephonically. Only the Information officer or any Deputy Information officer appointed shall have the mandate to disclose information in terms of this manual.

11. REQUEST PROCEDURE

11.1 Please be aware that the Company is concerned about protecting the private and/or confidential information of its Data Subjects. Please motivate any request for Personal Information very carefully, having regard to the POPI Act and the right that the requestor may rely upon. A request will not automatically be granted and short reasons for the refusal shall be supplied.

11.2 Any person making a request for access to records of the Company is referred to as a "requestor".

11.3 The requestor must complete the prescribed application form attached hereto marked "Form 2" and submit the form as well as payment of the request fee and a deposit, if applicable, to the Information Officer of the Company at the postal or physical or electronic mail address as stated above.

The prescribed form must be filled in with sufficient particulars to at least enable the Information Officer of the Company to identify:

- (a) record or records requested;
- (b) identity of the requestor;
- (c) which form of access is required, if the request is granted; and
- (d) postal address, telephone number and fax number of the requestor.

11.4 The requestor must state that he/she requires the information to exercise or protect her/his right and clearly state what the nature of the right is to be exercised or protected. In addition, the requestor must clearly specify why the records are necessary to exercise or protect such a right.

11.5 Such request must be processed within 30 (thirty) days after the request has been received.

11.6 The requestor shall be informed whether the access has been granted or denied within 30 (thirty) days of receipt of the request and give notice with reasons to that effect. The outcome of the request will be provided as per "Form 3" by the information Officer.

11.7 The 30 (thirty) day period within which the Company has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 (thirty) days if the request is for a vast amount of information, or the information cannot reasonably be obtained within the original 30 (thirty) day period. The Information Officer will notify the requestor in writing should an extension be sought.

11.8 If the request for access is granted, the Information Officer of the Company must advise the requestor:

- (a) the access fee (if any) to be paid upon access;
- (b) the form in which access will be given; and
- (c) that the requestor may lodge an application with a court against the access fee to be paid or the form of access granted, and the procedure, including the period allowed, for lodging the application.

11.9 If the request for access is refused, the Information Officer of the Company will:

- (a) state adequate reasons for the refusal, including the provisions of this Act relied on;
- (b) exclude, from any such reasons, any reference to the content of the record; and
- (c) state that the requestor may lodge an application with a court against the refusal of the request, and the procedure (including the period) for lodging the application.

11.10 In terms of Section 54 of the PAIA Act, if all reasonable steps have been taken to find the record requested and there are reasonable grounds to believe that the record is in possession of the Company but cannot be found, and if it does not exist, then the Information Officer of the Company will notify by way of affidavit or affirmation, the requestor that it is not possible to give access to that record.

11.11 If after notice is given, the record in question is found, the requestor must be given access thereto unless the ground for the refusal of access exists.

11.12 If the request is declined for any reason the notice must include adequate reasons for the decision, together with the relevant provisions of the PAIA Act relied upon and provide the procedure to be followed should the requestor wish appeal the decision.

11.13 Section 59 provides that the Information Officer of the Company may serve a record and grant access only to that portion which the law does not prohibit access to.

11.14 The requestor must pay the prescribed fee, before any further processing can take place.

12. FEES

12.1 The Act provides for two types of fees, namely:

(a) A request fee, which will be a standard fee; and

(b) An access fee, which must be calculated by considering reproduction costs, search and preparation time and costs, as well as postal costs.

12.2 When the request is received by the Information Officer of the Company, such person shall by notice require the requestor to pay the prescribed request fee "Form 3", if any, before further processing of the request.

12.3 If a requestor requires access to records of his/her Personal Information, there shall be no request fee payable. However, the requestor must pay the prescribed access and reproduction fees for such Personal Information.

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

12.5 The Information Officer of the Company shall withhold the record until the requestor has paid the fees as indicated in **FORM 3**.

12.6 A requestor whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the records for disclosure including making arrangements to make it available in the request form.

12.7 If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer of the Company must repay the deposit to the requestor with interest at the prescribed rate.

13. THIRD PARTIES

13.1 If the request is for the record pertaining to the third party, the Information Officer of the Company must take all reasonable steps to inform the third party of the request. This will be done within 21 (twenty-one) days of receipt of the request.

13.2 The third party must be advised of the decision taken by the Information Officer of the Company whether to grant or to decline the request. A third party who is dissatisfied with the Information Officer of the Company's decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

14. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF SECTION 62-70 OF THE ACT

The Company has the right to refuse access to information on legal grounds as set out in POPI Act and in PAIA Act, chapter 4 section 62 – 70 and the outcome recorded on **FORM 3**.

15. APPEAL – REMEDIES [SECTION 57(1)]

The Company does not have an internal appeal procedure. As such, the decision made by the Information Officer (or the Deputy Information Officer) of the Company is final and requestors will have to exercise such external remedies at their disposal if the request for information is refused and the requester is not satisfied with the answer supplied by the Information Officer of the Company.

16. COMPLAINTS

As a requestor you have a right to complain about the outcome of your request. A complaint contemplated in terms of section 77 of the Act may be lodged in writing to the Information Regulator on "Form 5".

17. UPDATING OF THE MANUAL

The head of EMPA Structures will on a regular basis update the manual.

Issued by

I Bester

Managing Director

Annexure of forms	
Form 1	PAIA: Request for copy of the Guide on how to use the Act from the Information Officer
Form 2	PAIA: Request for access to record
Form 3	PAIA: Outcome of request and of fees payable
Form 5	PAIA: Complaint Form
Form 1	POPI Act: Objection to processing
Form 2	POPI Act: Request for correction or deletion of personal information or the destruction or the deletion of a record in terms of section 24(1) of POPI Act
Form 5	POPI Act: Complaint to the Regulator in terms of section 74
	Part 1 of Form 5 of POPI Act – Complaint in terms of section 74(1)
	Part 2 of Form 5 of POPI Act – Complaint in terms of section 74(2)
Annexure A	Subjects and categories of records held by the Company

ANNEXURE A

SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE EMPA STRUCTURES: [SECTION 51(1)(e)]

The list(s) below depict records of information which the Company has available in terms of laws applicable to it and its Subsidiary companies listed under section 5 above (jointly referred to as the Company). Some of this information and the access thereto may be restricted to protect the Privacy and Private information of Data Subjects:

1 CORPORATE SECRETARIAT AND GOVERNANCE

<ul style="list-style-type: none"> - Annual reports - Applicable statutory documents - Board of directors and board committee terms of reference - Codes of conduct - Compliance certification - Fraud alerts and whistle blowing - Health & safety records - Legal compliance records 	<ul style="list-style-type: none"> - Memorandum of Incorporation - Minutes of board of directors and board committee meetings - Minutes of shareholders' meetings - Policies and procedures - Records relating to the appointment of directors/ auditor/secretary/public officer and other officers - Share certificates - Share register and other statutory registers - Statutory returns to relevant authorities
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2 COMPANY POLICIES AND DIRECTIVES

- Internal relating to employees and the Company
- External relating to clients and other third parties

3 FINANCE AND TAXATION

<ul style="list-style-type: none"> - Accounting Records - Annual Financial Statements - Audit reports - Banking records Bank Statements - Business plan and budgets - Documents issued to employees for income tax purposes - Financial Policies and Procedures - All other statutory compliances <ul style="list-style-type: none"> - Income Tax Returns - Skills Development Levies Returns - UIF Returns - VAT Returns - Workmen's Compensation Returns 	<ul style="list-style-type: none"> - Leases - Management reports - PAYE records - Records of payments made to SARS on behalf of employees - Rental agreements - Risk Management and Insurance - Tax Records and Returns - Treasury Dealing
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4 PERSONNEL DOCUMENTS AND RECORDS

<ul style="list-style-type: none"> - CVs, application details - Disciplinary Code and Records - Disciplinary Procedures, CCMA and court matters, Retrenchment and legal processes reemployment matters - All employment records of employees, education and training Records, Union membership and information - Employee Benefit Records - Employee Relations - Employment Contracts - Employment Equity Plan - Employee Information - Group HR Policies and Procedures 	<ul style="list-style-type: none"> - Letters of Appointment and Employment Contracts - Medical Aid Records - Organisational Structures - Payroll Reports - Pension and Retirement Funding Records - Performance Records - SETA Records - Social Responsibility - Training and Development - Job Profiles
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- IRP5s	
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5 INFORMATION TECHNOLOGY AND INFRASTRUCTURE

- Device Management	- License Agreements
- Disaster Recovery Policy and Plans	- Maintenance Plans
- E and Voice mail	- Network Topologies/Diagrams
- Equipment Specifications	- Performance of Client Call Desk
- Facilities	- Performance of IT Infrastructure
- Faults, Troubleshooting and Reporting	- Root Cause Analyses
- Hardware and Software Manuals	- Security Access
- ICT Policies, Standards, Procedures and Templates	- Software Licences
- Information, Communication and Technology Policies	- Supplier Agreements/ Vendor Agreements
- Internal Systems Support and Programming	- System/Application landscape Diagrams
- ISAE3402 Audit Reports	- System documentation and manuals

6 CORPORATE AFFAIRS AND INVESTOR RELATIONS/COMMUNICATIONS

- Client Events	- Newsletters and Publications
- Corporate Social Investment	- Public Corporate Records

7 LEGAL

- Agreements and Contracts - Competition Notifications	- Documents pertaining to commercial disputes, litigation, arbitration or regulatory investigations - Disputes with third parties and ex-employees
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8 SALES, MARKETING AND COMMUNICATION

- External Publications	- Media and Advertising
- Point of Sale (POS)	- Products and Services Brochures
- Proposals and Tenders	- Marketing Brochures

9 BUSINESS INTERACTIONS WITH OTHER ENTITIES

- Agreements with third parties (Clients, Vendors and Suppliers) - Contractual disputes with third parties	- Licensing and Maintenance Agreements - Customer Credit vetting
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10 INSURANCE

- Insurance Declarations and policies	- Insurance Claim Files
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11 ENVIRONMENTAL

- Impact Assessment	- Records of disposal of equipment
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- Maintenance Records	- Standards
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12 REGULATORY

- Applications	- Permits
- Exemptions	- Registrations
- Licenses	- Submissions

13 LOGISTICS AND PROCUREMENT

- Dispatch	- Standard Terms and Conditions of Supply of Services, Products and Software to the Company
- Procurement Policy	- Inventory Records
- Supplier and Contractor Agreements	

14 ADMINISTRATIVE

- Correspondence with internal and external parties	- Intranet
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