



ECOSERV INVESTMENT HOLDINGS cc
2002/012768/23

Incorporating:
ECOSERV (Pty) Ltd
1994/04023/07

(Being a private body)

Section 51 Manual

As required by:
The Promotion of Access to Information Act (PAIA)
Act 2 of 2000, Section 14

Last Updated the 26 February 2007



Information Officer

Mr. Quentin Hurt
Tel: (031) 279 1400
Fax: (031) 279 1414
Email: info@ecoserv.com
Internet: www.ecoserv.com

Street Address:

6 Sookhai Place, Derby Downs
Westville, 3630
South Africa

Postal Address:

P.O. Box 416
Pinetown, 3600

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NB: For the purposes of this manual, ECOSERV shall be taken to mean, Ecoserv Investment Holdings cc, Ecoserv (Pty) Ltd and Ecoserv Integrated Assessments (Pty) Ltd, all companies forming part of the ECOSERV group.

1 INTRODUCTION

ECOSERV is a specialist environmental and occupational health consulting company offering clients solutions to their technical environmental and occupational concerns and questions. We provide environmental data and advice to our clients.

The Promotion of Access to Information Act, No.2 of 2000 ("the Act") was enacted on 3 February 2000. The following Section 51 Manual for Ecoserv Investment Holdings and associated companies is documented in compliance with the aforementioned Act.

2 COMPANY CONTACT DETAILS

All requests for information are to be made in the manner described in Section 4 of this manual. The requests should be addressed to:

The Information Officer

Ecoserv Investment Holdings

P.O. Box 416

3610, Pinetown

Tel: 031 279 1400

Fax: 031 279 1414

E-mail: info@ecoserv.com

Physical Address:

6 Sookhai Place, Derby Downs

Westville, 3630

3 SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE

This refers to the Section 10 guide on how to use the Act. The guide will be available from the South African Human Rights Commission by no later than August 2003. Please direct any inquiries to:

The South African Humans Rights Commission

PAIA Unit

The Research and Documentation Department

Private Bag 2700

2041, Houghton

Tel: (011) 484-8300

Fax: (011) 484-0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za



4 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Where applicable to our business, information is available in terms of certain provisions of the statutes listed below:

- Constitution of The Republic of South Africa, No.3 of 1994
- Promotion of Administrative Justice Act, No. 3 of 2000
- Companies Act, No. 61 of 1973
- Income Tax Act, No. 58 of 1962
- Environmental Conservation Act, No. 73 of 1989
- National Environmental Management Act, No. 107 of 1998
- Applicable Municipal By-laws
- National Road Traffic Act, No. 93 of 1996
- Basic Conditions of Employment Act, No. 75 of 1997
- Employment Equity Act, No. 55 of 1998
- Labour Relations Act, No. 66 of 1995
- Unemployment Insurance Act, No. 30 of 1966
- Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000
- Occupational Health and Safety Act, No. 85 of 1993 and its Regulations
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Protection of Information Act, No. 84 of 1982
- Fire Brigade Services Act, No. 91 of 1964
- Customs & Excise Act, No. 91 of 1964
- Value Added Tax, Act, No. 89 of 1991
- Skills Development Act, No. 9 of 1999
- Hazardous Substances Act, No. 17 of 1973

5 COMPANY RECORDS

This section lists records or record groups that are held by ECOSERV, and specifies the relevant request procedure depending on the record category.

5.1 Public Access Records

Listed below are public records that may be provided without having to follow the procedure as defined in the Act.

Requests for this category of record can be made by way of a letter, fax or e-mail addressed to the Information Officer as per contact details in Section 1 of this manual.

Only the reproduction fees prescribed in Government Notice No. R. 187 (15 February 2003) may be levied for this supply.

- Company Quality Policies
- Company Safety, Health and Environmental Policy
- Company Employment Policies
- Affirmative Action Policy
- Company Brochure

5.2 Records That May Be Requested

Listed below are records that may be requested in line with the procedures contained in the Act. For this category of records the request procedure is as detailed in Section 5.3 of this manual.

5.2.1 Finance

- Certificate of Incorporation
- Memorandum and articles of Association
- Provident Fund
- Annual Financial Statements
- Banking Details
- Accounts Payable/Receivable
- Purchasing Records
- Asset Registers
- Insurance Records
- Internal Reports
- Tax Records

5.2.2 Commercial

- Quotes
- Client Project Reports (Subject to Client approval)
- Customer Lists
- Time Sheets

5.2.3 Operations

- Quality System Documentation

5.2.4 Quality

- SANAS Audit Report
- Internal Audit Reports
- Quality Management System Manual
- Records
- Customer Complaints
- Non-Conformances
- Management Quality Review Meetings
- Calibration Records
- Certificates of Analysis

5.2.5 Human Resources

- Staff Handbook
- Employment Contracts
- Salary Records
- Disciplinary Hearings Minutes
- Employees Tax Records

- Staff Assessments
- Training Records
- Skills Development Records and Plans

5.3 Request Procedure

This section details the procedure to be followed when requesting documents listed in Section 5.2 of this manual.

1. The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record
2. The requester must complete the prescribed form (referred to in 5.3.3, below), and submit same with payment of a request fee and a deposit, if applicable, by registered mail to the Information officer at the postal address alternatively fax or electronic mail (with request for confirmation of receipt from ECOSERV) as stated in Section 1 of this manual.
3. The request form is available from the ECOSERV Information Officer, the SAHRC website www.sahrc.org.za and the department of Justice and Constitutional development website www.doj.gov.za.
4. The prescribed form must be completed in sufficient detail to enable the Information Officer to identify the record or records requested, the identity of the requester, which form of access is required, and if the request is granted, the postal address or fax number of the requester.
5. The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state the nature of the right to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
6. ECOSERV will process the request within 30 days (subject to the requirements of Section 5.5), unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.
7. The requester shall be informed whether access is granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.
8. If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
9. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

5.4 Access to Records Held by ECOSERV

1. Records held by ECOSERV may be accessed by requesters only once the prerequisite requirements for access have been made.
2. A requester is any person making a request for access to a record of ECOSERV. There are two types of requesters.

5.4.1 Personal Requester

A personal requester is one who is seeking access to a record containing personal information about the requester.

ECOSERV will voluntarily provide the requested information, or give access to any records with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

5.4.2 Other Requester

The requester (other than the personal requester) is entitled to request access to information on third parties. However, ECOSERV is not obliged to voluntarily grant access. The requester must fulfill the prerequisite requirements for access in terms of the Act, including payment of a request and access fee.

5.5 Fees

The Act provides for two types of fees, mainly:

1. A request fee, which will be the prevailing prescribed fee; and an access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, and postage.
2. When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.
3. If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the request form, requires more than the hours prescribed in the regulations for this purpose, The Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
4. The Information Officer shall withhold a record until the requester has paid the prescribed fee as allowed for in Government Notice R. 187 (15 February 2002), as amended where applicable.
5. A requester 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 record for disclosure, including making arrangements to make it available in the required form.
6. If a deposit has been paid in respect for access, which is refused, then the Information officer concerned must repay the deposit to the requester, deducting any bank charges applicable to the transaction.

5.6 Decision Process

1. ECOSERV will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
2. The 30-day period with which ECOSERV has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for a large amount of information, or the request requires a search for information held at another office of Ecoserv and the information cannot reasonably be obtained within the original 30-day period. ECOSERV will notify the requester in writing should an extension be required.

5.7 Grounds for Refusal of Access to Records

In terms of Chapter 4 of the Act ECOSERV may be required to refuse access to requests for records that relate to:

- Mandatory protection of third party who is a natural person(s63)
- Mandatory protection of commercial information of third party (s64)
- Mandatory protection of certain confidential information of third party (s65)
- Mandatory protection of safety of individuals, and protection of property (s66)
- Mandatory protection of records privileged from production in legal proceedings (s67)
- Commercial information of private body (s68)

- Mandatory protection of research information of third party, and protection of research information of private body (s69)
- Requests to information that clearly are frivolous or vexatious, or which involve and unreasonable diversion of resources.

5.7.1 Mandatory disclosure in public interests (s70)

Despite any other provision of this Section, the head of the private body must grant a request for access to a record of body contemplated in section 63(10),64(1), 65,66(a) or (b), 67, 68(1) or 69(1) or 69(2) if –

- a. The disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with, the law; or
- b. The public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.

5.8 Remedies Available When ECOSERV Refuses a Request for Information

5.8.1 Internal Remedies

ECOSERV does not have alternative internal procedures. As such the decision made by the Information Officer is final, and requesters 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.

5.8.2 External Remedies

A requester that is dissatisfied with the Information Officer's refusal to disclose information may within 30 days of notification of the decision, apply to a Court for relief. Likewise, a third party dissatisfied with the Information Officer's decision to grant a request for information may within 30 days of notification, apply to a court for relief. For the purposes of the Act, the courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

6 OTHER INFORMATION

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

7 AVAILABILITY OF THE MANUAL

The ECOSERV Section 51 Manual is available for inspection by appointment with the Information Officer and free of charge at the ECOSERV offices as detailed in Section 1 of the Manual. Copies can be obtained from the Government Gazette or the following websites:

- www.sahrc.org.za
- www.ecoserv.com