

Promotion of Access to Information Act, Act 2 of 2000 (“the Act”)

Manual

In Terms Of Section 51 Of The Act

For Mix Telematics Africa Propriety Limited

And Its Wholly Owned Trading Subsidiary Companies (“the Company”).

Revision History

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Note:

This manual applies to Mix Telematics Africa (Pty) Ltd.

In terms of section 51(2) of the Promotion of Access to Information Act, this Manual will be updated as and when the need arises.

For information on the Company's compliance with section 51 of the Promotion of Access to Information Act, no 2 of 2000.

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1. Introduction

The Promotion of Access to Information Act, 2 of 2000 (“the Act”) came into operation on 9 March 2001. The Act seeks to give natural and/or juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights.

Section 51 of the Act obliges private bodies to compile a Manual which would assist a person to obtain access to information held by such a private body and stipulates the minimum requirements a manual has to comply with. Section 51 requires a manual to contain the following:

- Postal and street address, phone and fax number and, if available, the electronic mail address of the head of the private body;
- A description of the guide referred to in section 10 of the Act, if available, and how to obtain access to it
- Categories of information available without formal request, if any.
- A description of the records available in accordance with any other legislation
- A description of the subjects on which the body holds records and the categories of records held on each subject,
- Such other information as may be prescribed.

Objectives of Manual

The objectives of the Manual are:

- To provide a list of all records held by the mentioned Company;
- To set out the requirements with regard to who may request information in terms of the Act as well as the grounds on which a request may be denied;
- To define the manner and form in which a request for information must be submitted;

Particulars in Terms of Section 51 of the Act

The reference, in this Manual, 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.

1.1 Contact Details (Section 51 (1) (A))

Name of body	Mix Telematics Africa (Pty) Ltd
Head of body	Riëtte Botha
Address	Howick Close Waterfall Park Midrand, Gauteng
Postal Address	P.O. Box 12326 Vorna Valley, 1686 South Africa
Designated Information Officer	Elize Beukes
Telephone no.	+27 (0) 11 654 8000
Fax no.	+27 (0) 11 654 8122
Email address	elizeb@mixtelematics.co.za

1.2 The Guide as Described in Section 10 of the Act (Section 51 (1) (B))

This guide on how to exercise your rights in terms of the Act can be obtained from the SAHRC.

Please direct any queries to:

The South African Human Rights Commission: PAIA Unit: 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
Email: paia@sahrc.org.za

1.3 Categories of Records of the Company, which are available without a person having to request access in terms of the Act. i.e. voluntary disclosure, (Section 51 (1) (C))

The Company does make certain information freely available to the public in various brochures, press releases, and publications and on its Internet website at www.mixtelematics.co.za

1.4 Records available in terms of other legislation (Section 51 (1) (D))

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 61 of 1973
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Diseases Act no 130 of 1993
- Income Tax Act 58 of 1962 Insolvency Act no 24 of 1936
- Labour Relations Act 66 of 1995
- Occupational Health & Safety Act 85 of 1993
- Regional Service Council Act 109 of 1985
- Skills development Act 97 of 1998
- Skills development Levies Act 9 of 1999
- Unemployment contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991
- Electronic Communication and Transactions Act, Act 25 of 2002

1.5 The Purpose for which Information is required

The Act provides that a person may only request information in terms of the Act, if the information is required for the exercise or protection of a right.

Information will therefore not be furnished unless a person clearly provides sufficient particulars to enable the Company to identify the right the requester is seeking to protect as well as an explanation of why the requested information is required for the exercise of protection of that right.

2. Request Procedure

Requests for access to records held by the Company 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 website (www.doj.gov.za) (under "regulations"). For the convenience of requesters, copies of these forms are included in the version of this Manual available at our offices and on our website (Annexure 1 – Form C).

2.1 Annexure 1 – Completion of Form C

Any request for information in terms of this Act must be contained in Form C. (See Annexure 1 - Form C). This formality is prescribed by the Act.

Form C must be completed in full and returned to the Company for attention of Elize Beukes; together with any other information that the mentioned companies require in order to consider and decide on the request. A request, which does not comply with the formalities, as prescribed by the Act will be forwarded back to the requester with advice on the necessary steps for compliance. This includes forms that are not completed in full.

The Company will not consider a request unless it is contained in Form C. The Company will make copies of the mentioned form available on request.

2.2 Proof of Identity

Proof of identity is required to authenticate the request and the requester. In view hereof a requester will, in addition to Form C, be required to submit acceptable proof of identity such as a certified copy of their identity document or other legal forms of identity.

2.3 Notification Period

All requests complying with the requirements set out above will be processed and considered expeditiously.

Whatever decision is taken, the requester will be given notice of the decision in writing. The Act requires that such notification be given within 30 days of the decision being made. In case of a request being refused, the notification will include the reasons for the refusal.

Please note that the Company may extend the 30 day notice period if it is necessary due to the nature of the request and the amount of time required to gather the requested information. The requester will however be given notice of the extension prior to the 30 day period's expiry.

The head of the private body will then make a decision on the request and notify the requester in the required form. If the request is granted then a further access fee must be paid for the reproduction and the search and preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure (section 54.6)).

Kindly note that all requests to the Company 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 the Company does not give rise to any rights to access such information of records, except in terms of the Act.

3. Request Fees

Section 54 in the Act entitles a company to levy a charge or request fee to enable the company to recover the cost of processing a request and giving access to records in terms of the Act. The fees that may be charged have been published by the Minister of Justice and are displayed below.

Note that where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.

For the convenience of requesters, the request fees schedule is included in the version of this Manual available at our offices and on our website (Annexure 2 – Requested Fees).

4. Subjects and Categories of Records held by the Company

The Company maintains 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. In particular, there may be applicable grounds of refusal of such a request, as set out in the Act.

4.1 Company Secretarial

- Memoranda and Articles of Association of the Company and its wholly owned trading Subsidiary Companies.
- General Statutory Documentation Records in respect of Trade marks
- Share Registers
- Minutes and Resolutions

4.2 Personnel / Human Capital

For the purposes of this section, “personnel” means any person who works for or provides services to or on behalf of the Company and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of the Company. This includes, without limitation, directors, all permanent, temporary and part-time staff as well as consultant and contract workers.

Personnel records include the following:

- Any personal records provided to us by our personnel;
- The payroll;
- Employment contracts, employment policies and procedures; internal evaluation and disciplinary records;
- Employment Equity Policy;
- Occupational Health and Safety.

4.3 Client-related records

Client related information includes the following:

- Contracts with the client and between the client and other persons;
- Any record a client has provided to the Company.

4.4 Legal

- Various contracts and agreements.

4.5 Other records

We hold further records, including:

- Information relating to the Company’s own commercial activities;
- Procurement and administration for the Company;
- Marketing records;
- Insurance records;
- Financial records;
- Taxation and accounting records.

5. Other information as may be prescribed (Section 51 (1) (F))

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

6. Availability of the Manual (Section 51 (3))

This Manual is available from the South African Human Rights Commission (see details above), from the Company (see details above), and in electronic format at www.mixtelematics.co.za

Annexure 1 – Form C

Request for Access to record of Private Body
Section 53 (1) of the Promotion of Access to the Information Act, 2000
(Act No. 2 of 2000))
Regulation 10

A. Particulars of private body	
The Head:	
B. Particulars of person requesting access to the record	
<p>a. The particulars of the person who requests access to the record must be given below.</p> <p>b. The address and/or fax number in the Republic to which the information is to be sent must be given</p> <p>c. Proof of the capacity in which the request is made, if applicable, must be attached.</p>	
Full names and surname:	
Identity number:	
Postal address:	
Fax number:	
Telephone number:	
Email address:	
Capacity in which request is made, when made on behalf of another person:	
C. Particulars of person on whose behalf request is made	
This section must be completed ONLY if a request for information is made on behalf of another person.	
Full names and surname:	
Identity number:	
D. Particulars record	
<p>a. 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.</p> <p>b. If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.</p>	
1. Description of record or relevant part of the record:	
2. Reference number if available:	
3. Any further particulars of record:	
E. Fees	
<p>a. A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>b. You will be notified of the amount required to be paid as the request fee.</p> <p>c. The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.</p> <p>d. If you qualify for exemption of the payment of any fee, please state the reason for exemption.</p>	
Reason for exemption from payment of fees:	

Annexure 1 – Form C (continued)

Request for Access to record of Private Body
Section 53 (1) of the Promotion of Access to the Information Act, 2000
(Act No. 2 of 2000))
Regulation 10

F. Form of access to record			
If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.			
Disability:		Form in which record is required:	
Mark the appropriate box with an X .			
Notes:			
a. Compliance with your request in the specified form may depend on the form in which the record is available.			
b. 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.			
c. The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.			
1. If the record is written or printed form:			
	* Copy of record		Inspection of record
2. If record consists of visual images (this includes photographs, slides, video recording, computer-generated images, sketches, etc.):			
	View the images	Copy of the images *	Transcription of the images *
3. If record consists of recorded words or information which can be reproduced in sound:			
	Listen to the soundtrack (CD or audio cassette)		Transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:			
	Printed copy of record*	Printed copy of information derived from	Copy in computer readable form * (CD or
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage payable		YES	NO
G. Particulars of right to be exercised or protected			
If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.			
1. Indicate which right is to be exercised or protected:			
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:			
H. Notice of decision regarding request for access			
You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.			
How would you prefer to be informed of the decision regarding your request for access to the record?			

Signed at _____ this _____ day of _____ 20__

Signature of Requester / Person on whose behalf request is made

Annexure 2 – Request Fees

Promotion of Access to the Information Act, 2000 Fees in respect of Private Bodies

1. Access Fee for Reproduction		
1.1	For every photocopy of an A4 size page or part thereof	R1.10
1.2	For every photocopy of an A4 size pager or part thereof held on a computer or in electronic or machine readable form	R0.75
1.3	For a copy in a computer readable form on i. Stiffy disc ii. Compact Disc	R7.50 R70.00
1.4	i. For a transcription of visual images, for an A4-size page or part thereof ii. For a copy of visual images	R40.00 R60.00
1.5	i. For a transcription of an audio record for an A4-size page or part thereof ii. For a copy of and audio record	R20.00 R30.00
2. Access Fee for Time Spent		
2.1	The time reasonable required to search for the record for disclosure and preparation R30.00/hour or part of	R30.00 / hr or part of
3. Request fee		
3.1	For a request for access to a record by a person other than a personal requester.	R50.00
4. Deposit		
4.1	One third of the access fee is payable as a deposit by the requester.	
5. Postal Fee		
5.1	When a copy of a record must be posted to the requester.	R9.75
6. Appeal Fees		
6.1	For lodging an internal appeal by a requester against the refusal of his/her request for access to a record.	R50.00
7. VAT		
7.1	Private Bodies registered under the Value Added Tax Act, 1991 may add VAT to all the above mentioned fees.	

For purposes of section 22(2) of the Act, the following applies:

- Six hours as the hours to be exceeded before a deposit is payable and
- One third of the access fee is payable as a deposit by the requester
- The actual postage is payable when a copy of a record must be posted to a requester.