

**MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000 (“the Act”) FOR**

**LOCHHEAD, WHITE & WOMERSLEY (PTY) LTD
Registration No. 2000/011830/07**

1. Introduction

1.1 The Promotion of Access to Information Act, No 2 of 2000 (“*the Act*”) was enacted on 3 February 2000, giving effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, **except where the Act expressly provides that the information may or must not be released.** The Act sets out the requisite procedural issues attached to such request.

1.2 PURPOSE OF THE MANUAL:

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Lochhead, White & Womersley (Pty) Ltd is a private company and carries on the business of a Customs Clearing and Forwarding Agent. The company has three branches and employs approximately 90 employees . Mr M.J. Lincey has been duly appointed to act as the person to whom requests for access to information must be made in terms of the Act.

2. **Contact details** [Section 51(1)(a)]

Name of Body: Lochhead, White & Womersley (Pty) Ltd
Postal Address: P O Box 1132, Port Elizabeth, 6000
Physical Address: 1st Floor, 5 Ways Centre, 62 Cape Road, Port Elizabeth,
6001
Head of Body: Mr M.J. Lincey
Telephone Number: (041) 374 4630
Fax Number: (041) 374 4639
E-mail: m.lincey@plz.lwwfreight.co.za
Website: www.lwwfreight.co.za

3. **Guide on how to use the Act** [Section 51(1)(b)]

The Guide will be available from the South African Human Rights Commission by not later than August 2003. Please direct any queries to:

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

4. **Records available in terms of any other legislation** [Section 51(1)(d)]

We are required to ensure that certain records are available (as prescribed by each Act), in terms of the following Acts:

Basic Conditions of Employment Act 75 of 1997
Companies Act 61 of 1973
Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
Employment Equity Act 55 of 1998

Income Tax Act 95 of 1967
Labour Relations Act 66 of 1955
Occupational Health and Safety Act 85 of 1993
Regional Services Council Act 109 of 1985
Skills Development Levies Act 9 of 1999
Unemployment Insurance Act 63 of 2001
Value Added Tax Act 89 of 1991

Please note that while we have made every effort to identify all pertinent legislation, we cannot guarantee that all legislation has been included. Should you be aware of any specific legislation that should be included and which has been omitted, please contact Mr MJ Lincey on +27 (41) 374 4630. Your assistance in this regard is appreciated.

Notification of the availability of these records in terms of these Acts has not been given to the Cabinet Minister of Justice.

5. Access to the records held by Lochhead, White & Womersley (Pty) Ltd [Sections 51(1)(c) and 51(1)(e)]

i. Records that are available. [section 51(1)(c)]

Any brochures or advertising material

ii. Records that may be requested. [Section 51(1)(e)]

The following records are available **only on request to access in terms of the act.**

1. Personnel Records

As provided by employees

As provided by individuals other than employees

Conditions of employment and employee-related contractual records

2. Records relating to Customers

3. Records relating to Lochhead, White & Womersley (Pty) Ltd

Financial

Operational

Marketing

Services

Internal Correspondence

Statistical information

Statutory records

Insurance Records

Agreements

iii The request procedures

Form of request:

- The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)].
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body [s 53(2)(f)].

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:

- The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [s 54(1)].
- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].
- After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

6. **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.

7. **Availability of the manual** [Section 51(3)]

This manual is available for inspection by the general public upon request, during office hours and free of charge, at the offices of Lochhead, White & Womersley (Pty) Ltd. Copies may also be requested from the South African Human Rights Commission and the Manual is published on Lochhead, White & Womersley (Pty) Ltd website referred to above. In respect of hard copies postage will be for the account of the requester.

8. **Prescribed forms and fee structure in respect of private bodies.**

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.