

Section 51 Manual for Masseng Engineering cc

PROMOTION OF ACCESS TO INFORMATION ACT

INFORMATION REQUIRED UNDER SECTION 51(1) (a) OF THE ACT

NATURE OF BUSINESS

This manual applies to Masseng Engineering cc, hereinafter referred to as "Masseng".

Masseng deals in the manufacture of components from brass, steel, stainless steel, aluminium and plastics.

1.CONTACT DETAILS OF THE COMPANY

1.1 Managing Member : Mr Lance Swan

1.2 Physical Address : Unit 11, 55 Westmead Road, Westmead, 3610

1.3 Postal Address : P O Box 10341, Ashwood, 3605

1.4 Telephone Number: (031) 700 2642

1.5 Fax Number: (086) 718 3047

1.6 Website Address: <http://www.masseng.co.za>

1.7 E-mail Address: On Request

1.8 Contact Person: Mr Lance Swan

1.9 Contact Person Tel Number: (031) 700 2642

1.10 Contact Person Fax Number: (086) 718 3047

1.11 Contact Person E-mail Address: On Request

1.12 Company Auditors:

Viljoen and Partners
Mkhome Place
Clansthal
P O Box 373
Umkomaas
4170

2.COMPANY DETAILS

2.1 Registered name of the Company: Masseng Engineering cc

2.2 Company Registration Number: 1988/028205/023

2.3 Major Shareholder(s):

* Mr Lance Swan

2.4 Company Products: Machine and turned components to customer specification

2.5 Registered Trade Name(s) : Masseng Engineering cc

2.6 Branches of Company :

* Westmead, Pinetown

3.DESCRPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(b)

A Guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The Guide is available for inspection, inter alia, at the office of the offices of the Human Rights Commission at 29 Princess of Wales Terrace, cnr York and St. Andrews Street, Parktown and on its website at www.sahrc.org.za.

4.AVAILABILITY OF MANUAL

4.1 In terms of Regulation 9(1) of the Act, a copy of the manual must be made available to:

4.1.1 The South African Human Rights Commission;

4.1.2 Publish on the Company's website;

4.1.3 Shall, during office hours and upon request, make available for public inspection, a copy of this manual.

5.THE LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY):

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

6.RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Records are held in accordance with statutory provisions that include those in the following Acts (note: this list is not exhaustive):

* Basic Conditions of Employment Act, 75 of 1997

* Companies Act, 61 of 1973

* Compensation for Occupational Injuries and Diseases Act, 130 of 1993

* Consumer Affairs (Unfair Business Practices) Act, 71 of 1988

* Credit Agreements Act, 75 of 1980

* Debtors Collectors Act, 114 of 1998

* Employment Equity Act, 55 of 1998

* Labour Relations Act, 66 of 1995

* Occupational Health and Safety Act, 85 of 1993

* Unemployment Contributions Act, 4 of 2002

* Unemployment Insurance Act, 63 of 2001

* Value-Added Tax Act, 89 of 1991

7. ACCESS TO RECORDS

7.1. Notice published in terms of section 52(2):

Note. Masseng holds no information that is freely available without a request for access in terms of the Act.

7.2. Categories of Information held in company records (note: this list is not exhaustive):

7.2.1.COMPANIES ACT RECORDS

- Documents of incorporation
- Memorandum and Articles of Association
- Minutes of Members meetings
- Records relating to the appointment of members/ auditor
- Share Register and other statutory registers

7.2.2.FINANCIAL RECORDS

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
- Bank Statements
- Paid Cheques
- Electronic banking records
- Asset Register
- Rental Agreements
- Invoices

7.2.3.INCOME TAX RECORDS

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees

7.2.4.All other statutory compliances:

- VAT
- Regional Services Levies
- Skills Development Levies

- UIF
- Workmen's Compensation

7.2.5.PERSONNEL DOCUMENTS AND RECORDS

- Employment contracts
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code
- Leave records
- Training records
- Training Manuals

8.Request Procedure

8.1.Completion of form

Any request for information must be contained on the prescribed form available on the website of the South African Human Rights Commission at www.sahrc.org.za or the website of the Department of Justice and Constitutional Development (under regulations) at www.doj.gov.za. This formality is prescribed in the Act.

The prescribed form is to be completed in full and returned to the Member together with any other information that Masseng 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 steps necessary for compliance. This includes forms that are not completed in full.

The Member will not consider a request unless it is contained on the prescribed form.

8.2.Proof of Identity

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

8.3.Request Fees

Section 54 of 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, and proof of payment furnished.

Access fee for time spent

8.3.1.as prescribed in Part II of Regulations in the Government Gazette

8.3.2.Request fee

8.3.2.1.As prescribed in Part II of Regulations in the Government Gazette

8.3.3.Deposit

8.3.3.1.As prescribed in Part II of Regulations in the Government Gazette

8.3.4.Postal fee

8.3.4.1.As prescribed in Part II of Regulations in the Government Gazette

8.3.5.Appeal fee

8.3.5.1.As prescribed in Part II of Regulations in the Government Gazette

8.3.6.VAT

8.3.6.1.As prescribed in Part II of Regulations in the Government Gazette

8.4.Granted or Refusal of Requests

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

The Act, however, stipulates the following grounds for refusing requests for information:

- * Mandatory protection of the privacy of a third party who is a natural person (Section 63).
- * Mandatory protection of commercial information of a third party (Section 64).
- * Mandatory protection of certain confidential information of a third party (Section 65).
- * Mandatory protection of safety of individuals and protection of property (Section 66).
- * Mandatory protection of records privileged from production on legal proceedings (Section 67).
- * Commercial information of the Private Body (Section 68).
- * Mandatory protection of research information of third party and of the Private Body (Section 69).

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 the case of a request being refused, the notification will include the reasons for the refusal.

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

9.Appeal

The Act does not require a company to establish an internal appeal structure for the purpose of allowing a requester, who is aggrieved by a decision of the company, to appeal such a decision. This requirement is only applicable to a public body.

A requester aggrieved by Masseng's decision must therefore approach a court of law.