

Public Access to Information Act

**SECTION 51 MANUAL
FOR**

BIFOX MECHANICAL ENGINEERING cc

Reg No.: 2008/250833/23

**THIS MANUAL HAS BEEN PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT, No 2/2000**

Introduction

Punching and Milling of Metal Components

Bifox Mechanical Engineering operates a range of CNC machines, which uses the CNC mill turn lathes and the CNC machine centers. Geared for high volume orders and precision engineering, our Trumpf Punching machines allows Bifox Mechanical Engineering to accurately and quickly mass produce metal products, which ultimately translates into lower costs for our clients.

Section 51(1) (a)

Contact Details

Managing member: Mr. PCJ Ackermann
Physical and Registered Address: 64 Rowan Nook, Sunderland Ridge, Centurion 0157
Postal Address: PO Box 245, Wierda Park. 0149
Tel. No: 012 666 9933
Fax No: 086 642 3799

E-Mail: info@foxgroup.co.za

Web site: <http://www.foxgroup.co.za>

Members: Member
Mr AR Lubbe
E-Mail: anton@foxgroup.co.za
Member
Mr PCJ Ackermann
E-Mail: pieter@foxgroup.co.za



Section 51 (1) (b)

The Section Guide on how to use the Act

The Guide is available from the South African Human Resources Commission. Please direct queries to:

The South African Human Rights Commission: PAIA Unit

The Research and Documentation Department

Postal Address: Private Bag 2700, Houghton. 2041

Tel. No: +27114848300

Fax No: +27114840582

Web Site: www.sahrc.org.za

E-Mail: PAIA@sahrc.org.za

Section 51 (1) (d)

Information is available in terms of the following legislation if and where applicable:

Basic Condition of Employment Act No.75 of 1997

Closed Corporation Act No. 69 of 1984

Electronic Communications and Transactions Act No. 25 of 2005

Income Tax Act No. 59 of 1962

Labour Relations Act No. 66 of 1995

Promotion of Access to Information Act No.26 of 2000



Skills Development Levies Act No. 9 of 1999

Unemployment Insurance Act No. 63 of 2001

Value Added Tax Act No. 89 of 1991

Companies Act 61 of 1973

Credit Agreements Act 75 of 1980

Occupational Health and Safety Act No. 85 of 1993

Occupational Injuries and Diseases Act No. 130 of 1993

Protection of Personal Information Act ...Bill Government Gazette 32495 14.08.09

Consumer Protection Act 68 of 2008

All of above is also available online.

Section 51 (1) (c) and 51 (1) (e)

- i) **Records/information available without formal request to be made and are available without a person having to request access in terms of this Act.**

Information on the company and its products are available at www.foxgroup.co.za.

- Company address and company telephone details of company Members
- Web Site and Company e-mail address
- Management team names and company detail (e-mail address, tel. no and fax no)
- Members Names
- Total of staff members (numbers)
- Names of Suppliers (i.e. photocopier company act)



ii) List of Records per subject (subject to qualifications below)

Companies Records

- *Banking Details:* Available on request
- Trademarks: Available on request

Statutory Records:

- Certificate of Registration: Available on request
- Member Details" Available on request

Financial Records

*Information in the categories hereunder is not available without formal request as per the instructions of the request procedure, and may be declined by **Trifox Precision Engineering** to protect the body's own, commercial or research information.*

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking records

Bank Statements

Paid Cheques

Electronic Banking Records

- Asset Register
- Invoices

Income Tax Records

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payment made to SARS on behalf of employees
- All other statutory compliances:



- VAT
- Skills Development Levies
- UIF
- Workmen's Compensation

Personnel Documents and Records

- Employment Contracts
- MIBFA Records
- Disciplinary Records
- Salary Records
- Leave Records

Section 64 mandates that a request or technical information where disclosure would be likely to cause third party information pertaining to:

- Trade secrets
- Financial, commercial or technical information where disclosure would be likely to cause harm to the commercial or financial interests of that third party, or
- Information supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.

The information must, however, be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

Section 65 prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement.

Section 66, a private body must refuse a request if disclosure could reasonably be expected to:

- Endanger the life or physical safety of an individual
- Prejudice or impair the security of a building, structure or system, means of transport, or other property, or methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public



Section 67 mandates the refusal of a request if the record is privilege form production in legal proceeding, unless the person entitle to the privilege has waived the privilege.

Section 68 pertains to records containing information about the private body itself and unlike the other provisions pertaining to decline of a request, is not mandatory, but rather discretionary. The private body may refuse access to a record if the record

- Contains trade secrets of the private body
- Contains financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of the private body
- Contains information which, if disclosed, could reasonably be expected to put the private body at a disadvantage in contractual or other negotiations, or prejudice the private body in commercial competition, or
- Consists of a computer program owned by the private body

Notwithstanding the above, the information will be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

Section 69 prohibits the disclosure of information about research where disclosure is likely to expose the third party, the person conducting the research on behalf of a third party, or the subject matter of the research to serious disadvantage. Disclosure is discretionary if such research pertains to the private body itself.

Notwithstanding any of above-mentioned provisions, section 70 provides that a record must be disclosed of its disclosure would:

Reveal evidence of a substantial contravention of or failure to comply with the law, or imminent and serious public safety or environmental risk, and

The public interest in the disclosure clearly outweighs the harm.

Granting/declining of Information

Within 30 days after receipt of a request, the private body must advise the requester whether the request has been granted or declined. If declined, reasons must be given. Furthermore, if the record pertains to a third party, the third party must be notified of the request, and be given an opportunity to consent to the release, or make representations in favour of declining the request.



Request Procedure

- Use the prescribed form, as per Government Notice No. 187 of 15 February 2002, which is available on the website of SAHRC.
- The General Manager will access the request and determine whether the information will be granted to the requester.
- The General Manager will answer the requester within 30 days, granting or declining the request and supplying the reasons if declined.
- The information, if granted will be supplied to the requester in a format applicable to the request
- The request for information will be documented and kept on file for reference.

Form of Request (As per Act)

Form of request: (to download a copy of the required form, please refer the SAHRC's website: www.sahrc.org.za)

1. 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 Company. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].
2. 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.
3. 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)].
4. 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)].
5. Fees: (for details / fee structure please refer to the SAHRC website: www.sahrc.org.za)
6. 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:



7. 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)].

8. If the request is granted then a further access fee must be paid for the search, reproduction, and preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

Section 51 (1) (f)

Other information as may be prescribed

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

Section 51 (3)

Availability of the manual

The manual is available from the office of the South African Human Rights Commission.

The manual is available on our website: www.foxgroup.co.za

Section 51 (1) (f)

Update of Manual

From time to time, the information in this manual will be updated as prescribed in or to retain compliance with the Act.

The information contained in this manual correct as of 28 February 2017.



PCJ Ackermann
Managing Member

