

**PROMOTION OF ACCESS TO INFORMATION MANUAL FOR
BANDAG SOUTHERN AFRICA (PTY) LTD**

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1. **Introduction**

Bandag Southern Africa (Pty) Ltd (“Bandag”) is involved in the manufacturing of rubber tread products, and the distribution of these products through a franchise network.

This manual has been compiled in accordance with the requirements of the Promotion of Access to Information Act, Act No. 2 of 2000 (“the PAIA”). Bandag is a private body as defined in the PAIA, and this manual contains the information specified in section 51(1) of the PAIA, which is applicable to such a private body. This information is as follows:

- the contact details of the head of the private body;
- a description of the guide referred to in section 10 of the PAIA;
- the latest notice published by the Minister under section 52(2) of the PAIA;
- a description of the records of the private body which are available in terms of any legislation other than the PAIA;
- a description of the subjects on which the private body holds records and the categories of records held on each subject in sufficient detail to facilitate a request for access to a record; and
- other information as prescribed by regulation.

The manual will be updated on a regular basis in accordance with the requirements of section 51(2) of the PAIA.

2. **Contact details**

The Chief Executive Officer of Bandag is John Laskarides. Mr Laskarides is the head of the company and has authorized Mr Keith Morris to deal with requests in terms of the PAIA. Mr Morris is the person to whom requests for access to records should be addressed. His contact details are as follows:

Physical address

Cnr North Reef Road and Makro Place
Sunnyrock
Germiston

Postal address

PO Box 2359
Edenvale

1610

Telephone: (011) 458-2800

Telefax: (011) 450-4854

Email: Keith.Morris@Bandag.co.za

3. **Section 10 Guide on how to use the PAIA**

The South African Human Rights Commission (“the Commission”) has, in terms of section 10 of the PAIA, published a Guide (“the Guide”) to assist persons wishing to exercise any rights in terms of the PAIA.

The Guide may be obtained from the Commission. Any person wishing to obtain the Guide may either access it through the Commission’s website at www.sahrc.org.za or should contact:

PAIA Unit
Research and Documentation Department
South African Human Rights Commission

Postal address

Private Bag 2700

Houghton

2041

Telephone: (011) 484-8300

Telefax: (011) 484-7146

Email: PAIA@sahrc.org.za

4. **Records available in terms of any other legislation**

Certain records of Bandag are available in terms of legislation other than PAIA. The specific records which are available in terms of such legislation are set out therein and these records may in certain instances only be accessed by the persons specified in the relevant legislation. The legislation is as follows:

- Basic Conditions of Employment Act, Act No. 75 of 1997
- Companies Act, Act No. 61 of 1973

- Compensation for Occupational Injuries and Diseases Act, Act No. 130 of 1993
- Credit Agreements Act, Act No. 75 of 1980
- Employment Equity Act, Act No. 55 of 1998
- Income Tax Act, Act No. 58 of 1962
- Labour Relations Act, Act No 66 of 1995
- Medical Schemes Act, Act No. 131 of 1998
- Occupational Health and Safety Act, Act No. 85 of 1993
- Pension Funds Act, Act No. 24 of 1956
- Skills Development Act, Act No. 97 of 1998
- Skills Development Levies Act, Act No. 9 of 1999
- Unemployment Insurance Act, Act No. 63 of 2001
- Unemployment Insurance Contributions Act, Act No. 4 of 2002
- Value Added Tax Act, Act No. 89 of 1991

5. **Description of the subjects on which Bandag holds records and the categories of records held on each subject**

The following is a list of the subjects on which Bandag holds records and the categories into which these fall. The procedure in terms of which such records may be requested from Bandag is set out in Section 7 of this manual.

Categories of records

Description of records held

Administration

- Shareholder records
- Share register
- Minutes of meetings of shareholders
- Records relating to the incorporation of Bandag
- Records relating to threatened, pending or past litigation, arbitrations or investigations

Management

- Minutes of management meetings
- Minutes of meetings of the board of directors
- Correspondence
- Resolutions of the board of directors

Finance

- Financial statements
- Accounting records
- Tax records
- Debtors records
- Insurance records
- Bank statements and other banking records

Human Resources

- Employment contracts
- Conditions of employment
- Personnel records including personal details, disciplinary records, performance and internal evaluation records
- Employee tax information
- Records of Unemployment Insurance Fund contributions
- Records regarding group life assurance and disability income protection
- Pension and retirement fund records

- Payroll records
- Health and safety records
- Workplace skills plans
- Codes of conduct
- Disciplinary code and procedure
- Grievance procedure
- Appeal procedure
- Remuneration policy
- Internal policies and procedures regarding dismissals, performance appraisal, recruitment, selection, advertising of positions, appointments, retirement, promotions, leave, salaries, overtime, bonuses, medical aid, and health and safety
- Training schedules and material
- Correspondence relating to personnel

Sales and Distribution

- Contracts with franchisees
- Licensing contracts
- Marketing and sales records
- Client register
- Client information
- Correspondence with clients
- Invoices

Suppliers

- Supplier lists and details of suppliers
- Agreements with suppliers

Information Technology

- Computer software
- Support and maintenance agreements
- Records regarding computer systems and programmes

Property

- Asset registers
- Lease agreements and title deeds in respect of immovable property
- Records regarding insurance in respect of movable property
- Records regarding insurance in respect of immovable property

Environment

- Environmental assessments
- Environmental management plans and systems
- Licences, permits and registrations granted by environmental regulatory bodies
- Environmental approvals

6. **Categories of records which are available without request**

No notices relating to Bandag have been published by the Minister of Justice and Constitutional Development (“the Minister”) in terms of section 52(2) of the PAIA.

Certain records are, however, automatically available and need not be requested in terms of the request procedures set out in the PAIA and provided for in this manual. This information may be inspected, collected, purchased or copied (at the prescribed fee for reproduction) at the head office of Bandag. The records include:

- Price lists for Bandag products
- List of products
- Marketing brochures
- *Pro forma* franchise agreement
- *Pro forma* disclosure agreement

7. **Request procedure in terms of the PAIA**

A request for access to records held by Bandag in terms of section 50 of the PAIA must be made on the form contained in the Regulations Regarding the Promotion of Access to Information (Form C). A copy of the form is attached as Annexure A to this manual. The request must be made to Bandag at its address, telefax number or email address, specified in Section 2 above.

A person or entity requesting access to records (“a requester”) must provide sufficient detail on the prescribed form to allow Bandag to identify the record or records which have been requested and the identity of the requester. If a request is made on behalf of another person or entity, the requester must submit details and proof of the capacity in which the requester is making the request, which must be reasonably satisfactory to Bandag. The requester is also required to indicate the form of access to the relevant records that is required, and to provide his, her or its contact details in the Republic of South Africa.

The requester is required to identify the right that he, she or it is seeking to exercise by accessing records held by Bandag and to explain why the particular record or records requested is or are required for the exercise or protection of that right.

Bandag may refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of the PAIA.

Bandag is required to inform a requester in writing of its decision in relation to a request. If the requester wishes to be informed of Bandag's decision in another manner as well, this manner must be set out in the request and the relevant details included to allow Bandag to inform the requester in the preferred manner.

8. **Fees payable**

A request fee of R50.00 is payable by a requester, other than a requester who is seeking access to a record containing personal information about him, her or itself. This request fee may be paid at the time a request is made, or the person authorised to deal with such requests on Bandag's behalf may notify the requester to pay the request fee before processing the request any further. A requester may make an application to Court against the payment of the request fee.

A requester whose request for access to a record or records held by Bandag is granted is also required to pay an access fee for the reproduction of the record or records, and for the search for and the preparation of the records for disclosure. Bandag is entitled to withhold a record until the required access fees have been paid. The access fees which are payable are as follows:

	Action taken	Fee
1.	Photocopy of an A4-size page or part thereof	R1.10
2.	Printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0.75
3.	For a copy in a computer-readable form on -	
	stiffy disc	R7.50
	compact disc	R70.00
4.	Transcription of visual images, for an A4-size page or part thereof	R40.00
5.	Copy of visual images	R60.00
6.	Transcription of an audio record, for an A4-size page or part thereof	R20.00

7.	Copy of an audio record	R30.00
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In addition, if the search for and preparation of the record or records requested takes more than six hours, Bandag may charge R30.00 for each hour or part thereof which is required for the search for and preparation of the records.

If Bandag is of the opinion that the search for and the preparation of the records requested will require more than six hours, Bandag is entitled to ask for a deposit of one third of the access fees which will be payable in respect of the records requested by the requester. The requester may make an application to Court against the payment of this deposit. If a deposit is made and access to the records requested is subsequently refused, the deposit will be repaid to the requester.

9. **Other information as prescribed**

The Minister has not prescribed that any further information must be contained in this manual.

ANNEXURE A

**FORM C
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

(Section 53(1) of the Promotion of Access to 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) <i>The particulars of the person who requests access to the record must be given below.</i></p> <p>(b) <i>The address and/or fax number in the Republic to which the information is to be sent, must be given.</i></p> <p>(c) <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i></p> |
|--|

Full names and surname: _____

Identity number: _____

Postal address: _____

Attention: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made:

<p><i>This section must be completed ONLY if a request for information is made on behalf of another person.</i></p>

Full names and surname: _____

Identity number: _____

D. Particulars of record:

- (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.
- (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.**

Description of record or relevant part of the record: _____

Reference number, if available: _____

Any further particulars of record: _____

E. Fees

- (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.
- (b) You will be notified of the amount required to be paid as the request fee.
- (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.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees: _____

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 below, 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 for access 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 in written or printed form:

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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2. If record consists of visual images - (this includes photographs, slides, video recordings, 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 (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 the record*
			copy in computer readable form* (stiffy or compact disc)
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is 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.***

Indicate which right is to be exercised or protected: _____

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