

Tolcon Group (Pty) Ltd
(Registration Number: 2014/047090/07)
(the “Company”)

Group Manual

Published in terms of section 51 of the

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



With acknowledgement to:

- 1. The South African Human Rights Commission**
- 2. The Department of Justice and Constitutional Development**

REVISION AND APPROVAL BLOCK

Rev	Date	Nature of Revision/ Short Description	Prepared by	Reviewed by	Approved by
2	MAY 2019	GROUP PAIA MANUAL	JVE	GC	GROUP BOARD

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1. INTRODUCTION

This manual has been compiled in accordance with the Promotion to Information Act No.2 of 2000 (“the PAIA Act”). Section 51 of the PAIA Act requires that a private body/ies compile a manual providing information to the public regarding the procedures to be followed in requesting information from such body/ies for the purpose of exercising or protecting rights. The aim of this manual is to assist potential requesters, who intend to obtain documents or records from the company/ies in terms of the PAIA and POPI Acts (“the Acts”), by providing them with the processes to be followed in initiating and pursuing such requests. In applying the PAIA Act and this manual for the provision of information, due regard must also be given to the relevant limitations imposed by the Protection of Personal Information Act, 2013, as amended (“POPI Act”) on the disclosure of personal information.

The PAIA and POPI Acts give effect to everyone’s constitutional right of access to information held by private sector of public bodies, if the record or personal information is required for the exercise of protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

Requests shall be made in accordance with the Acts and the prescribed procedures at the rates provided.

2. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

This manual is published on the Company website at www.tolcon.co.za or alternatively, a copy can be requested from the Information Officer by mail. The Manual may also be inspected at the address as set out below. In addition, this manual can be accessed through the SAHRC at its address as set out below. This Manual will be updated from time to time, as and when required.

Kindly note that all requests to Tolcon and / or any of its subsidiary companies will be evaluated and considered in accordance with the Acts.

2.1 CONTACT DETAILS - Section 51(1)(a)

The board has duly authorized the Business and Compliance Manager (“Information Officer”) to deal with all matters in connection with requests for information in terms of the Promotion of Access to Information Act, 2 of 2000.

Postal Address: PO Box 1336
Bedfordview
2008

Street Address: 60 Civin Drive
Pellmeadow Office Park, First Floor, Block B
Bedfordview, 2007

Telephone: +27 11 453 9422

Facsimile: + 27 11 049 7400

E-mail: gloriac@tolcon.co.za

2.2 GROUP / COMPANY/IES CONTACT DETAILS

Name	Tolcon Group (Pty) Ltd and subsidiaries (See Appendix 1)
Designated Information Officer	Gloria Coetzee
E-mail address of Information Officer	Gloriac@tolcon.co.za
Postal Address	PO Box 1336 Bedfordview 2008
Street Address	First Floor, Acacia Block B Pellmeadow Office Park 60 Civin Drive Bedfordview 2007
Phone number	011 453 9422

2.3 HEAD OF THE GROUP

Name	Jl Van Es
Designation	Group Chief Executive
Phone number	011 453 9422

3. DEFINITIONS

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely:

- “PAIA Act” means the Promotion of Access to Information Act 2 of 2000, as amended from time to time;
- “POPI Act” means the Protection of Personal Information Act, 2013, as amended from time to time;
- “Acts” means the POPI Act and PAIA Act.
- “Information Officer” means the person acting on behalf of Tolcon Group (Pty) Limited and its subsidiaries and discharging the duties and responsibilities assigned to the “head” of the Tolcon Group by the Acts. The Information officer is duly authorised by the Head of the Tolcon Group of companies in writing.
- “Manual” means this manual as published in compliance with Section 51 of the Act;
- “Tolcon” means Tolcon Group (Pty) Ltd, Registration number 2014/047090/07 and all South African registered subsidiaries – this Manual applies to all such entities. Tolcon Group (Pty) Limited and such entities are referred to both individually and collectively as “Tolcon”. (See *Appendix 1*)

Terms defined in the Act shall have the same meaning in this Manual.

4. BACKGROUND

Tolcon provides infrastructure management services in South Africa. The primary focus areas being roads, tourism and specialized electrical contracting. Since its inception in 1985, Tolcon has been involved in projects which have contributed significantly to the upliftment of transportation infrastructure, job creation, and economic development of South Africa. Tolcon is focused on delivering world class solutions and service excellence. Tolcon comprises a group of companies as more fully described in *Appendix 1*.

5. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10 - Section 51(1)(b)

A guide on how to use the Act has been compiled by the South African Human Rights Commission (“SAHRC”). In terms of Section 10 of the Act, it contains information required by a person wishing to exercise any right, contemplated by the PAIA Act. It is available in all of the official languages. Please direct any queries to the address below:

The Guide is available for inspection, inter alia, at the offices of the:

The South African Human Rights Commission

Postal Address:	Private Bag 2700 Houghton 2041
Street Address:	33 Hoofd Street Forum III, Braampark Braamfontein Johannesburg Gauteng
Telephone:	+27 11 484 8300
Facsimile:	+27 11 484 0582
E-mail:	paia@sahrc.org.za
Website:	http://www.sahrc.org.za

6. APPLICABLE LEGISLATION – AUTOMATIC AVAILABILITY OF CERTAIN RECORDS - Section 51(1)(c)

The company has not submitted any notice of such records in terms of section 51(1)(c) of the Act.

The following information is available without a request in terms of the Act:

- Marketing Brochures
- All public information and records on the Tolcon website/s.
- All publically released information and records on any public portals within Tolcon.

7. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION – SECTION 51 (1) (d)

7.1 RECORDS ARE KEPT IN ACCORDANCE WITH THE FOLLOWING LEGISLATION:

7.1.1 Corporate;

- Companies Act No. 71 of 2008
- Competition Act No. 89 of 1998
- Broad-Based Economic Empowerment Act No. 53 of 2003
- Trade Marks Act No. 194 of 1993
- Regional Services Councils Act No 109 of 1985
- King Report IV
- Alteration of land Act 68 of 1981

7.1.2 Finance;

- National Credit Act No. 34 of 2005
- Consumer Protection Act No. 68 of 2008
- Financial Intelligence Centre Act No. 38 of 2001
- Prevention of Combating of Corrupt Activities Act No. 12 of 2004
- Prevention of Organised Crime Act No. 121 of 1998
- Pension Funds Act No. 24 of 1956
- Tax on Retirement Funds Act No. 38 of 1996
- Tax Administration Act No 28 of 2016

7.1.3 Tax and Duties;

- Income Tax Act No. 58 of 1962
- Value Added Tax Act No. 89 of 1991
- Customs and Excise Act No. 91 of 1964
- South African Revenue Service Act No 34 of 1997
- Transfer Duty Act No 40 of 1949

7.1.4 Human Resources;

- Labour Relations Act No. 66 of 1995
- Basic Conditions of Employment Act No. 75 of 1997
- Employment Equity Act No. 55 of 1998
- Manpower Training Act No. 56 of 1981
- Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
- Skills Development Act No. 97 of 1998
- Skills Development Levies Act No. 9 of 1999
- Unemployment Insurance Contributions Act No. 4 of 2002
- Unemployment Insurance Fund Act No. 63 of 2001
- Unemployment Insurance Contributions Act No 4 of 2002
- Unemployment Insurance Act No 63 of 2001
- Promotion of Equality and Prevention of Unfair Discrimination Act No 4 of 2000

7.1.5 Safety, Health and Environment;

- Occupational Health and Safety Act No. 85 of 1993
- Occupational Diseases Act No. 130 of 1993
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Tobacco Products Control Act No. 83 of 1993
- Medicines and Related Substances Control Act No. 101 of 1965
- National Building Regulations and Building Standards Act No. 103 of 1977
- National Environmental Management Act No. 107 of 1998
- NEM Air Quality Act No. 39 of 2004
- National Water Act No. 36 of 1998
- Environmental Conservation Act No. 73 of 1989
- Disaster Management Act No. 57 of 2002
- Hazardous Substances Act No. 15 of 1973

- National Environmental Management: Waste Act No 59 of 2008
- Road Accident Fund Act No 56 of 1996

7.1.6 Information;

- Promotion of Access to Information Act No. 54 of 2002
- Electronic Communications and Transactions Act No. 25 of 2002
- Regulation of Interception of Communications and Provision of Communications Related Information Act No. 70 of 2002
- Protected Disclosure Act No. 26 of 2000
- Regulation of Interception of Communications and Provisions of Communication-Related Information Act No. 48 of 2008
- Regulation of Interception of Communications and Provisions of Communication-Related Information Act No. 70 of 2002
- Protection of Personal Information Act No. 4 of 2013
- Consumer Protection Act No. 68 of 2008
- Preferential Procurement Policy Framework Act No. 5 of 2000

7.1.7 Tourism;

- Tourism Act No.3 of 2014

7.1.8 Other;

- Administrative Adjudication of Road Traffic Offences Act No. 46 of 1998
- National Land Transport Act No. 5 of 2009
- National Road Traffic Act No. 93 of 1966

7.2 OTHER RECORDS

7.2.1 Corporate:

- Statutory information
- Agendas and Minutes of internal meetings
- Internal Policies and Procedures and forms

7.2.2 Finance:

- Accounting and taxation records
- Annual Financial Statements
- Banking statements
- Client contracts and related information
- Service provider contracts and vendor details
- Insurance records

7.2.3 Tax and Duties:

- Customs documentation

7.2.4 Human Resources:

- Employee file contracts
- Payroll records
- Employment Equity reports
- UIF records
- Safety, Health, Environment, Risk and Quality (SHERQ)

7.2.5 Safety, Health and Environment:

- SHERQ reporting, agendas, minutes and documentation

7.2.6 Information:

- Various reports

8. FORM OF REQUEST – SECTION 51 (1) (e)

Kindly complete Form C as annexed to this document for requesting information from the company. The form is also available on the website of the South African Human Rights Commission (SAHRC) at www.sahrc.org.za Submit this form together with a request fee, to the information officer. The form must be submitted to the information officer at his or her address, fax number or electronic mail address.

The form must:

1. Provide sufficient particulars to enable the information officer to identify the record/s requested and to identify the requester.
2. Indicate which form of access is required.
3. Specify a postal address or fax number to the requester, which address must be in the Republic.
4. Identify the right that the requester is seeking to exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of that right,
5. If in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner.
6. If the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body.

For purposes of facilitating a request in terms of the Act, a description of the records and the categories in which these subjects are classified which are held by the company are detailed below:

8.1.	Company Documentation
	1 – Shareholder, Board and sub-committee reports
	2 – Shareholder, Board and sub-committee agendas and notices of meetings
	3 - Resolutions
	4 - Minutes of meetings
	5 - Statutory returns
	6 - Memorandum of Incorporation and/ or shareholder agreements
	7 - Policies and Procedures and forms
8.2.	Legal
	1 - Legal agreements and contracts and contract documentation
	2 - Legal opinions
	3 - Legal proceedings and correspondence
	4 - Property records and leases
8.3.	Regulatory Services
	1 - Compliance audit reports and records
	2 - Insurance records
	3- Internal audit reports and records
	4 - Licenses
8.4.	Human Resources
	1 - Accident / incident inquiries
	2 - Disciplinary records
	3 - Employee contracts
	4 - Employee information: leave, salaries, payroll
	5 - Employee recruitment and selection information
	6 - Employment equity records
	7 - Job descriptions

	8 - Performance appraisal records
	9 - Personnel files and related information
	10 - Policies and procedures
	11 - Statutory records
	12 - Training records
8.5.	Marketing
	1 - Brochures and advertising materials
	2 – Publications
8.6.	Logistics
	1 - Office Plans
	2 - Policies and procedures
	3 - Quotations and orders
	4 - Stock inventories
8.7.	Financial
	1 - Accounting records
	2 - Bank statements
	3 - Creditors invoices, statements and related payment supporting documents
	4 - Debtors invoices and statements
	5 - Financial statements and Management Accounts
	6 - Fixed asset registers
	7 - Policies and procedures
	8 - Procurement records
	9 - Statutory returns
	10 - Tax records
	11 - Vat records
8.8.	Information Technology
	1 - Agreements
	2 - Hardware
	3 - Internal system support and programming / development
	4 - Licenses
	5 - Operating systems
	6 - Policies and procedures
	7 - Software packages
	8 - Telephone exchange equipment
	9 - Telephone line, leased lines and data lines
8.9.	Fixed Property
	1 - Building Plans
	2 - Title Deeds
8.10.	Security
	1 - Access Control
	2 - Infrastructure – Physical and cyber
	3 - Policies and procedures
	4 - Audits

It should be noted that the inclusion of any subjects or category of records should not be taken as an indication that records falling within those subjects and / or categories will be made available under the

Acts. In particular, certain grounds for refusal as set out in the Acts may be applicable to a request for such records.

Operational information can be defined as information needed in the day-to-day running of Tolcon and is generally of little to no use to persons outside of Tolcon.

9. SECTION 52 (2) NOTICE

No notice has been published.

10. FEES: SECTION 54 AS AMENDED BY SECTION 110 OF ACT NO. 4 OF 2013

The fees as part of Part 3 Chapter 3 of the Act.

- 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 fee of R 50 for the request. Furthermore, people who earn less than R 14 712 per annum (if single) and R 27 192 per annum (if married or have a life partner), are also exempt from paying the request fees.
- The information officer must by notice, require the requester to pay the prescribed fee, if any, before further processing of the request.
- The requester may lodge an application with a court against the payment of the prescribed request fee.
- After the information officer 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, in excess of the prescribed hours, required to search and prepare for the record of disclosure.

BREAKDOWN OF FEES FOR ACCESSING RECORDS	
Copy per A4 Page	R1-10
Printing per A4 Page	R0-75
Copy on a CD	R70-00
Transcription of visual images per A4 Page	R40-00
Copy of a visual image	R60-00
Transcription of an audio recording per A4 Page	R20-00
Copy of an audio recording	R30-00
Search and preparation of the record for disclosure	R 30-00 p/hr (Excl 1 st hr)
Actual Postage Fee	Actual Cost

11. INFORMATION OR RECORDS NOT FOUND

- If all reasonable steps have been taken to find a record, and such record cannot be found or if the records do not exist, then the information officer of the company shall notify the requester, by way of an affirmation or letter, that it is not possible to give access to the requested record.
- The affirmation or letter shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the head of the company with every person who conducted the search.
- The notice, as set out in paragraph 1, shall be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act.

- If the record in question should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the information officer.
- The attention of the requester is drawn to the provisions of Chapter 3 part 3 Section 56 of the Act in terms of which the company may refuse, on certain specified grounds, to provide information to a requester.

12. INFORMATION REQUESTED ABOUT A THIRD PARTY

- Section 71 of the PAIA Act makes provision for a request for information or records about a third party.
- In considering such a request, the company will adhere to the provisions of section 71 to 74 of the PAIA Act.
- The attention of the requester is drawn to the provisions of Chapter 5 of Part 3 of the PAIA Act in terms of which the company is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties.
- In addition, the provisions of Chapter 2 of Part 4 of the PAIA Act entitle third parties to dispute the decisions of the information officer or by referring the matter to the High Court.

13. DECISION ON REQUEST

The applicant will be informed whether or not the application for access has been denied, or granted. In the event that the application is refused, the applicant will be given adequate reasons for the refusal and will be informed that the applicant may lodge an application with a court against a refusal of the application, as well as the procedure (including the period) for lodging such an application.

14. GROUNDS FOR REFUSAL – Part 3 Chapter 4

The company may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which the company may refuse includes but is not limited to:

- Protecting personal information that the company/ies holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure.
- Protecting commercial information that the company/ies holds about a third party or the company (for example trade secrets, financial, commercial, scientific or technical information) that may harm the commercial or financial interests of the company/ies or the third party.
- If disclosure of the record would result in a breach of a duty of confidence owed to the third party in terms of an agreement.
- If disclosure of the record would endanger the life of physical safety of an individual.
- If disclosure of the record would prejudice or impair the security of a building, structure or system, including but not limited to, a computer or communication system, means of transport, or any other property or;
- Methods, systems, plans or procedures for the protection of an individual in accordance with the safety of the public, or any part of the public, or any part of the public, or the security of property contemplated in the applicable sub paragraphs.
- Disclosure of the record would put the company/ies at a disadvantage in contractual or other negotiations or prejudice it in commercial competition.

The record classification high level key below will also assist in identifying access to records:

May be disclosed	Public Access Document
May not be disclosed	Request after commencement of criminal or civil proceedings - s7
Limited disclosure	Subject to copyright
Limited disclosure	Personal information that belongs to the requester of that information
May not be disclosed	Unreasonable disclosure
May not be disclosed	Likely to harm the commercial or financial interests of third party - s64 (a)(b)
May not be disclosed	Likely to harm the company/ies or third party in contract or other negotiations - s64(c)
May not be disclosed	Would breach a duty of confidence owed to a third party in terms of an agreement - s65
May not be disclosed	Likely to compromise the safety of individuals or protection of property - s66
May not be disclosed	Legally privileged document - s67
May not be refused	Environmental testing / investigation which reveals public safety / environmental risks - s64(2) ; s68(2)
May be disclosed	Commercial information of Private Body - s68
May not be disclosed	Likely to prejudice research and development information of the company/ies or third party - s69
May not be refused	Disclosure in public interest -s70

15. AVAILABILITY OF THE MANUAL

This manual is available for inspection as follows:

- In hard copy, to be viewed free of charge by appointment during office hours, at Tolcon head office.
- For viewing online on the company website

Copies are available from the SAHRC.

This manual will be updated from time to time, as and when required.

Chairman of the Board

16. APPENDIX 1 – TOLCON GROUP COMPANIES

Name	Registration Number
Tolcon Group (Pty) Ltd	2014/ 047090/ 07
<i>Subsidiaries:</i>	
Pt Operational Services (Pty) Ltd	2014/ 047168/ 07
Scenivision (Pty) Ltd	2011/ 110461/ 07
Zargodox (Pty) Ltd	2009/ 018532/ 07
Cape Point Operations (Pty) Ltd	2014/ 057887/ 07
Mcillroy NEP (Pty) Ltd	2017/ 418706/ 07
Kotlhello Group (Pty) Ltd	2018/ 260938/ 07
K2016233672	2016/ 233672/ 07

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.

1. Description of record or relevant part of the record:

.....

.....

.....

.....

2. Reference number, if available:

.....

.....

.....

.....

3. 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:					
	copy of record*		inspection of record		
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.

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..... ofyear

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE