

**PROMOTION OF ACCESS TO INFORMATION MANUAL OF  
SMITHS MANUFACTURING (PTY) LIMITED IN TERMS OF SECTION 51 OF THE  
PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 ("PAIA")**

**1. Introduction**

This manual has been compiled in accordance with section 51 of the Promotion of Access to Information Act, 2000 ("**PAIA**"). This manual explains how requesters can submit requests for access to information to Smiths Manufacturing in terms of PAIA.

**2. The business**

2.1 Smiths Manufacturing (Pty) Ltd is a leading Automotive Component Manufacturing Company established in South Africa since 1962. Based in New Germany, South Africa, Smiths supplies under license, a diverse range of localised integrated vehicle systems and parts for major OEM's in South Africa

2.2 Manoj Banparkash has been duly appointed by the Managing Director of Smiths Manufacturing, as the Information Officer for Smiths Manufacturing and is the person to whom requests for access to information must be made in terms of PAIA and in terms of the Protection of Personal Information Act 4 of 2013 ("**POPIA**").

**3. Smiths Manufacturing s Contact details**

<b>Details</b>	<b>Chief Executive Officer</b>	<b>Information Officer</b>
Name	Selvin Konar	Manoj Banparkash
Postal Address	P.O. Box 181 Pinetown 3600	P.O. Box 181 Pinetown 3600
Physical Address	10 Pineside Road New Germany 3610	10 Pineside Road New Germany 3610
Telephone	+27 31 719 4047	+27 31 719 4202
Telefax	None	None
Email	Selvin.konar@smiths.co.za	Manoj.banparkash@smiths.co.za

#### 4. The Section 10 Guide on how to use PAIA

- 4.1 The South African Human Rights Commission ("**SAHRC**") has published a guide as prescribed by Section 10 of PAIA. This guide will be available from the SAHRC until 30 June 2021, in each official language, at the offices of the SAHRC and on its website, listed below. Please direct any queries regarding this guide to:

**South African Human Rights Commission:**

PAIA Unit

The Research and Documentation Department

Private Bag X2700, Houghton, 2041

Telephone Number: (011) 877 3600

Telefax Number: (011) 403 0684

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

email: [info.sahrc.org.za](mailto:info.sahrc.org.za)

- 4.2 From 1 July 2021 onwards, the above guide, as updated by the Information Regulator, will be available at the offices of the Information Regulator and on its website as prescribed by Section 10 of PAIA and in accordance with the Protection of Personal Information Act, 2013 ("**POPIA**"). From 1 July 2021, please direct any queries regarding this guide to:

**Information Regulator:**

The Research and Documentation Department

33 Hoofd Street, Forum III, 3<sup>rd</sup> Floor Braampark

P.O. Box 31533, Braamfontein, Johannesburg, 2017

Telephone Number: 010 023 5200

Website: [www.justice.gov.za/inforeg/](http://www.justice.gov.za/inforeg/)

email (complaints): [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

email (general enquiries):

## 5. **Records that are retained by Smiths Manufacturing in terms of other legislation**

A requester may request information which is available in terms of the following legislation, provided that the requester complies with the requirements set out in such legislation, this manual and PAIA:

- 5.1 Basic Conditions of Employment Act, 1997;
- 5.2 Broad-Based Black Economic Empowerment Act, 2003;
- 5.3 Companies Act, 2008;
- 5.4 Compensation for Occupational Injuries and Diseases Act, 1993;
- 5.5 Employment Equity Act, 1998;
- 5.6 Income Tax Act, 1962;
- 5.7 Labour Relations Act, 1995;
- 5.8 Occupational Health and Safety Act, 1993;
- 5.9 Promotion of Access to Information Act, 2000;
- 5.10 Protection of Personal Information Act, 2013;
- 5.11 Skills Development Levies Act, 1999;
- 5.12 Unemployment Insurance Act, 2001;
- 5.13 Value Added Tax Act, 1991.
- 5.14 BEE Codes of Good Practice
- 5.15 Basic Conditions of Employment Amendment Act , 2018
- 5.16 Skills Development Act
- 5.17 JSE Listings Requirements
- 5.18 JSE Rules and Directives
- 5.19 Carbon Tax Act 15 of 2019
- 5.20 Competition Act
- 5.21 Competition Amendment Act 18 of 2018
- 5.22 Corporate Laws Amendment Act
- 5.23 Customs and Excise Amendment Act 13 of 2019
- 5.24 DTI codes of Good Practice
- 5.25 Electronic Communications Act

- 5.26 Electronic Communications and Transactions Act
- 5.27 Environment Conservation Act
- 5.28 Exchange Control Amnesty and Amendment of Taxation Laws Act
- 5.29 Financial Markets Act
- 5.30 Financial Services Board Act
- 5.31 Harmful Business Practices Amendment Act
- 5.32 Insolvency Act
- 5.33 International Trade Administration Act
- 5.34 Intellectual Property Laws Amendment Act
- 5.35 IFRS Framework
- 5.36 King IV
- 5.37 National Minimum Wage Act 9 of 2018
- 5.38 Patents Act
- 5.39 Prescription Act
- 5.40 Prescribed Rate of Interest Act
- 5.41 Protected Disclosure Amendment Act
- 5.42 Rates and Monetary Amounts and Amendment of Revenue Act 21 of 2018
- 5.43 Securities Transfer Tax Act
- 5.44 Securities Transfer Tax Act Administration Act
- 5.45 Securities Regulation Code on Takeovers and Mergers
- 5.46 Taxation Administration Act
- 5.47 Taxation Laws Amendment Act
- 5.48 Trademarks Act

**6. Subjects and categories of information held by Smiths Manufacturing**

The subjects and categories of records held by Smiths Manufacturing are as follows:

Subject	Category
Company records	Constitutional documents (including incorporation documents, the memorandum of incorporation and the shareholders agreement)

	<p>Share registers, share certificates, registers and details concerning shareholder meetings and resolutions</p> <p>Details concerning the identity of directors, directors' meetings, director resolutions</p> <p>Statutory registers and minute books</p>
Financial records	<p>Budget reports</p> <p>Bank records</p> <p>Financial statements</p> <p>Management accounts</p> <p>Audit reports</p> <p>Insurance records</p> <p>Tax records</p>
Strategic and operational information	<p>Business plan</p> <p>Budget reports</p> <p>Minutes of management meetings</p> <p>Minutes of board meetings</p> <p>Annual reports</p>
Assets	<p>Asset register</p> <p>Share certificates</p> <p>Trademark's schedule</p> <p>Debtors' information</p> <p>Bank account reconciliation</p>
Liabilities	<p>Loan agreements</p> <p>General ledger</p>
Information technology	<p>Asset register</p> <p>Repair and maintenance records</p> <p>Software programmes</p> <p>Software licences</p> <p>IT policies and procedures</p> <p>Software records</p>
Compliance	<p>B-BBEE compliance records</p> <p>[Proof of membership with industry bodies]</p> <p>General policies and procedures</p>
Human resources	<p>Staff records</p> <p>Contracts of employment</p> <p>Statutory records</p> <p>Training and skills development records</p> <p>Employment equity records</p> <p>Leave records</p> <p>Beneficiary records</p> <p>HR policies and procedures</p> <p>Disciplinary procedures</p> <p>[Training manuals]</p> <p>Salary information</p>

	Pension fund information Medical aid information
Contractual relationships	Leases Contracts with customers Contracts with Suppliers Contracts with Service Providers License Agreements

## 7. Description of personal information processing in terms of POPIA

Smiths Manufacturing processes personal information as follows:

Subject	Category
Purpose of the processing	Sale of products. To market products to customers To comply with statutory obligations Customer relations purposes To conduct market research surveys Security, administrative and legal purposes To fulfil contractual obligations that we have with customers and third parties.
Data subject categories and their personal information	Employees: record of employee life cycle General public: general enquiries and viewing the company website Industry bodies: membership records Media: records of media interactions Service providers: record of service provider life cycle
Recipients of personal information	Employee pension funds Financial institutions Industry bodies Law enforcement Medical aid schemes Operators (service providers) Statutory authorities
Expected transnational transfer of personal information	Transfer of personal information to operators Transfer of personal information to other members in the group Transfer of personal information through social media platforms
Security measures to protect personal information	Physical security measures Access control measures Internal security measures Cyber security measures

	Anti-spam measures Anti-virus measures Installing security firewalls Password control Training programs on information security Information security audits IT-related company policies
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For more information on how we process personal information, please see our privacy policy available at <https://www.smiths.co.za>

## 8. The request procedure

### 8.1 Prescribed form

8.1.1 A request for information must be made in the prescribed form, a copy of which is attached as Annexe A, must be addressed to the Information Officer and must be submitted with the prescribed fee (see paragraph 8.3).

8.1.2 The prescribed request form is available from the Information Officer and from the South African Human Commission (if the request is before 1 July 2021) or the Information Regulator (if the request is after 1 July 2021), whose contact details are set out in paragraph 4 above.

### 8.2 Manner of request

8.2.1 The request must be made to the address, facsimile number or email address of [the company] set out in paragraph 3 above.

8.2.2 The requester must provide enough detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form (mode/method) of access is required. The requester should indicate if it requires notice of the decision of the Information Officer in any manner, other than in writing.

8.2.3 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.

8.2.4 If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

### 8.3 Fees

- 8.3.1 A requester who seeks access to a record containing personal information may have to pay the required request fee.
- 8.3.2 The Information Officer must by notice, require the requester to pay the prescribed fee, if any, before further processing the request.
- 8.3.3 The requester may lodge an application to the high court relating to the payment of the request fee.
- 8.3.4 After the Information Officer has decided on the request, the requester must be notified in the required form.
- 8.3.5 If the request is granted, a further access fee may have to 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 disclosure.
- 8.3.6 The prescribed fees are available from the Information Officer and from the South African Human Commission (if the request is before 1 July 2021) or the Information Regulator (if the request is after 1 July 2021), whose contact details are set out in paragraph 3 above.

### 9. Availability of this manual

This manual is available for inspection at:

- 9.1 Smiths Manufacturing 's website – <http://www.smiths.co.za>
- 9.2 Smiths Manufacturing 's principal place of business set out in paragraph 3 above, during normal business hours;
- 9.3 the SAHRC until 1 July 2021 (see contact details in paragraph 4.1 above); and
- 9.4 the Information Regulator from 1 July 2021 onwards (see contacts details in paragraph 4.2 above).



### Request for access to record

#### 1. Particulars of [the company]

Name of [the company]: **[insert name]**  
 Registration number **[insert]**

The Head: **[insert]**

Physical Address: **[insert]**

Postal Address: **[insert]**

Telephone: **[insert]**

Telefacsimile: **[insert]**

E-mail: **[insert]**

#### 2. Particulars of person requesting access to the record

2.1	The full particulars of the person who requests access to the record must be given below.
2.2	The address and/or fax number in the Republic to which the information is to be sent must be given.
2.3	Proof of the capacity in which the request is made, if applicable, must be attached.

**Full names and surname:** \_\_\_\_\_

**Identity Number:** \_\_\_\_\_

**Postal Address:** \_\_\_\_\_

**Fax Number:** \_\_\_\_\_ **Telephone Number:** \_\_\_\_\_

**E-mail address:** \_\_\_\_\_

**Capacity in which request is made when made on behalf of another person:** \_\_\_\_\_

#### 3. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

**Full names and surname:** \_\_\_\_\_

**Identity Number:** \_\_\_\_\_

#### 4. Particulars of record

- 4.1 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.
- 4.2 If the 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:** \_\_\_\_\_  
\_\_\_\_\_

#### 5. Fees

- 5.1 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.
- 5.2 You will be notified of the amount required to be paid as the request fee.
- 5.3 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.
- 5.4 If you qualify for exemption of the payment of any fee, please state the reason for exemption.

**Reason for exemption from payment of fees:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### 6. Form of access to record

If you are prevented by an impediment or disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:  _____  _____  _____		Form in which record is required:  _____  _____  _____	
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Mark the appropriate box with an "X":

NOTES:

- 6.1 Compliance with your request in the specified form may depend on the form in which the record is available.
- 6.2 Access in the form requested may be refused in certain circumstances. In such case, you will be informed if access will be granted in another form.
- 6.3 The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

<b>1. If the record is in written or printed form:</b>			
	Copy of record*		Inspection of record
<b>2. If the record consists of visual images</b> (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
	View the images		Copy of the images*
			Transcription of the images*
<b>3. If the record consists of recorded words or information which can be reproduced in sound:</b>			
	Listen to the soundtrack (audio cassette)		Transcription of soundtrack (written or printed document)*
<b>4. If the record is held on computer or in an electronic or machine-readable form:</b>			
	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?			<b>YES</b> <b>NO</b>
<b>Postage is payable.</b>			

**7. Particulars of the 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:**

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**Explain why the record requested is required for the exercise or protection of the aforementioned right:**

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**8. 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?**

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Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
SIGNATURE OF REQUESTER/PERSON ON  
WHOSE BEHALF REQUEST IS MADE