



INFORMATION MANUAL

OF

UNIQUE DAIRY PRODUCTS (PTY) LTD

Company Registration Number: 2002/011478/07

IN TERMS OF THE
PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000
(Act No. 2 of 2000)

Compiled: December 2015

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1. PREAMBLE:

The Promotion of Access to Information Act, 2 of 2000 (hereinafter referred to as “the Act”) gives effect to Section 37(1)(a) & (b) of the Constitution of the Republic of South Africa, Act 108 of 1996 (hereinafter referred to as “the Constitution”), which provides for the right of access to information held by public and private bodies when such information is requested for the exercise or protection of any rights.

The Act, inter alia, sets out the requisite procedural and their requirements in relation to a request for information, the requirements to be met, in addition to grounds for refusal of the request.

The Act recognizes that the right to any information may be limited to the extent that such limitations as set out in Section 9(b) of the Act are reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom as contemplated in Section 36 of the Constitution.

The purpose of this manual is to inform requesters of the procedural and other requirements which a request for information must meet as prescribed by the Act.

2. INTRODUCTION:

Unique Dairy Products (Pty) Ltd is a privately owned South African company, operating in Pretoria (Gauteng), which specializes in the receiving and storage of raw and packaging materials for the use in the manufacturing of ice cream, dairy and dairy related products for the distribution and sale to local markets.

3. AVAILABILITY OF THE MANUAL IN TERMS OF SECTION 51(3) OF THE ACT:

This manual is available:

- 3.1. for inspection at the office of Unique Dairy Products, free of charge;
- 3.2. on www.unquiedairy.co.za; and
- 3.3. from the SAHRC.

4. CONTACT INFORMATION IN TERMS OF SECTION 51(1)(A) OF THE ACT:

- | | |
|----------------------------|--|
| 4.1. Name of Private Body: | Unique Dairy Products (Pty) Ltd |
| 4.2. Physical Address: | 290 Slegtkamp Street, Hermanstad, Pretoria, 0082 |
| 4.3. Postal Address: | Private Bag X2, Hercules, Pretoria, 0030 |
| 4.4. Telephone Number: | (012) 377 0515 |
| 4.5. Facsimile Number: | (012) 377 1129 |
| 4.6. Head of Private Body: | Mr S van der Berg |
| 4.7. Electronic Mail: | stefan@uniquedairy.co.za |
| 4.8. Authorised Person: | Mr N Dodds |
| 4.9. Electronic Mail: | fm@uniquedairy.co.za |

5. THE SECTION 10 GUIDE ON HOW TO USE THE ACT IN TERMS OF SECTION 51(1)(B):

A guide on how to use the Act as contemplated in Section 10 (“the guide”) has been compiled by the South African Human Rights Commission (hereinafter referred to as “the SAHRC”). It contains information which would be reasonably required by any person wishing to exercise any right set out in the Act. The guide is available in all of the official languages.

Please direct any queries regarding the Guide to:

The South African Human Rights Commission: PAIA Unit

The Research and Documentation Department

Postal address: Private Bag 2700, Houghton, Johannesburg, 2041

Telephone number: (011) 484 8300

Fax Number: (011) 484 1360

Website: www.sahrc.org.za

Email: paia@sahrc.org.za

6. NOTICE IN TERMS OF SECTION 51(1)(C):

As at date hereof, no notice(s) has/have been published on the categories of record automatically available without a person having to request access thereto in terms of the Act.

The following records are however automatically available to any person requesting these documentation and it is therefore not necessary to apply for access thereto in terms of the Act or this Manual:

- 6.1. All records lodged in terms of regulatory/legislative requirements with various statutory and/or regulatory bodies, which by virtue of such lodgment becomes public knowledge;
- 6.2. Annual Financial Reports; and
- 6.3. Product Brochures.

7. RECORDS AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION IN TERMS OF SECTION 51(1)(D):

Records are available in accordance with the following legislation (the list is not exhaustive):

- 7.1. Basic Conditions of Employment Act, 75 of 1997;
- 7.2. Compensation for Occupational Injuries and Disease Act, 130 of 1993;
- 7.3. Customs and Excise Act, 55 of 1998;
- 7.4. Employment Equity Act, 55 of 1998
- 7.5. Labour Relations Act, 66 of 1995;
- 7.6. Promotion Access to Information Act, 121 of 1998;

- 7.7. Protection of Personal Information Act, 4 of 2013;
- 7.8. Skills Development Act, 9 of 1999;
- 7.9. Unemployment Insurance Act, 63 of 2001; and
- 7.10. Value Added Tax Act, 89 of 1991.

8. INFORMATION REQUIRED IN TERMS OF SECTION 51(1)(E):

The subjects on which the private body holds records and the categories on each subject in terms of Section 51(1)(e) are as listed below. Please note that a requester is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the Act:

8.1 CORPORATE RECORDS

- 8.1.1. All trust deeds;
- 8.1.2. Documents of Incorporation;
- 8.1.3. Memorandum of Incorporation;
- 8.1.4. Proxy forms
- 8.1.5. Register of directors' shareholdings;
- 8.1.6. Records relating to the appointment of:
- 8.1.7. Directors;
- 8.1.8. Auditors;
- 8.1.9. Secretary; and
- 8.1.10. Public Officer.

8.2 FINANCIAL RECORDS

- 8.2.1 Accounting Records;
- 8.2.2 Annual Financial Reports;
- 8.2.3 Asset Registers;
- 8.2.4 Banking details and bank accounts;
- 8.2.5 Debtors / Creditors statements and invoices;
- 8.2.6 General ledgers and subsidiary ledgers;
- 8.2.7 General reconciliation;
- 8.2.8 Invoices;
- 8.2.9 Policies and procedures;
- 8.2.10 Rental Agreements; and
- 8.2.11 Tax Returns.

8.3 INCOME TAX RECORDS

- 8.3.1 Pay-as-you-earn (PAYE) Records;
- 8.3.2 Documents issued to employees for income tax purposes; and
- 8.3.3 Records of payments made to South African Revenue Services on behalf of Employees.

8.4 ALL OR ANY STATUTORY COMPLIANCES

- 8.4.1 Value Added Tax;
- 8.4.2 Skills Development Levies;
- 8.4.3 Unemployment Insurance Fund; and
- 8.4.4 Workman's Compensation.

8.5 PERSONNEL DOCUMENTS AND RECORDS

- 8.5.1 Accident books and records;
- 8.5.2 Address Lists;
- 8.5.3 Disciplinary Code and Records;
- 8.5.4 Employee benefits arrangements rules and records;
- 8.5.5 Employment Contracts;
- 8.5.6 Employment Equity Plan (If applicable);
- 8.5.7 Forms and Applications;
- 8.5.8 Leave Records;
- 8.5.9 Grievance Procedures;
- 8.5.10 Leave Records;
- 8.5.11 Payroll reports/ Wage register;
- 8.5.12 Safety, Health and Environmental records;
- 8.5.13 Salary Records;
- 8.5.14 Standard letters and notices
- 8.5.15 Training Records; and
- 8.5.16 Workplace and Union agreements and records.

8.6 PROCUREMENT

- 8.6.1 Contractor, client and supplier agreements; and
- 8.6.2 Lists of suppliers, products, services and distribution.

8.7 LEGAL AND COMPLIANCE

8.7.1 Agreements / General Contracts.

8.8 INFORMATION SECURITY / INFORMATION TECHNOLOGY

8.8.1 Computer / mobile device usage policy documentation;

8.8.2 Disaster recovery plans;

8.8.3 Hardware asset registers;

8.8.4 Information security policies/standards/procedures;

8.8.5 Information usage policy documentation;

8.8.6 Project, disaster recovery and implementation plans;

8.8.7 Software licensing; and

8.8.8 System documentation and manuals.

8.9 RISK MANAGEMENT AND AUDIT

8.9.1 Audit reports;

8.9.2 Risk management frameworks; and

8.9.3 Risk management plans.

8.10 Occupational Health and Safety

8.10.1 Personal injury records; and

8.10.2 Policies and procedures.

9 REQUEST PROCEDURES IN TERMS OF SECTIONS 53 TO 57 AND 60 OF THE ACT:

9.1 Form of request:

9.1.1 The requester must use the prescribed form, as attached in terms of Article 8 of this manual, to make the request for access to a record. This must be made to the designated head. This request must be made to the address, fax number or electronic mail address of the body concerned [Section 53(1)].

9.1.2 The requester must provide sufficient detail on the request form to enable the designated head to identify the record and the requester.

9.1.3 The requester should indicate which form of access is required.

9.1.4 The requester should indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [Section 53(2)(a) and (b) and (c)].

- 9.1.5 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 [Section 53(2)(d)].
- 9.1.6 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 designated head of the private body [Section 53(2)(f)].
- 9.2 A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.
- 9.3 Every other requester, who is not a personal requester, must pay the required request fee. The prescribed fee for requests to private bodies is available on the website of the SAHRC under the link www.sahrc.org.za/home/21/files/FEES.pdf or refer to section 12 “Fees for records in respect of private bodies” of this manual.
- 9.4 The designated head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [Section 54(1)].
- 9.5 After the designated head of the private body has made a decision on the request, the requester must be notified in the required form.
- 9.6 If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [Section 54(6)].
- 9.7 The 30 day period may be extended with a further period of not more than 30 days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the private body.

10. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS (CHAPTER 4 OF THE ACT):

Apart from Section 7 of the Act, and subject to Section 70 of the Act, the main grounds for the private body to refuse a request for information as contemplated by the Act relates to:

- 10.1 Protection of the privacy of a third party, if that third party is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 10.2 Protection of commercial information of a third party as defined by the Act, if the record contains:
 - 10.2.1 trade secrets of that third party;
 - 10.2.2 financial, commercial, scientific or technical information other than trade secrets of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party;
 - 10.2.3 information disclosed in confidence to by a third party, the disclosure of which could put that third party at a disadvantage in a contractual or other negotiations or would prejudice that third party in commercial competition.
- 10.3 Protection of confidential information if the disclosure would constitute a breach of a duty or confidence to a third party in terms of an agreement;
- 10.4 Protection of safety of individuals and protection of property;

- 10.5 Protection of records which would be regarded as privileged in any legal proceedings, unless the person so entitled to privilege waives the privilege (Section 67);
- 10.6 Protection of commercial activities of this company, which may include:
 - 10.6.1 trade secrets of the private body;
 - 10.6.2 financial, commercial, scientific or technical information, disclosure of which could cause harm to the financial or commercial interests of the private body;
 - 10.6.3 information which, if disclosed, could put the private body at a disadvantage in negotiations or commercial competition;
 - 10.6.4 a computer programme owned by the private body, and which is protected by copyright; and
 - 10.6.5 the research information of the private body or a third party on behalf of the private body if the disclosure would expose the third party, the private body, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

11. REMEDIES AVAILABLE IN REFUSAL OF A REQUEST FOR INFORMATION (PART 4 OF THE ACT):

- 11.1 The private body does not have internal appeal procedures and as such, the decision made by the Authorised Person is therefore final.
- 11.2 Therefore, should the requester be dissatisfied with the Authorised Person's decision to refuse access, that person may within 30 days after notification of the refusal apply to a Court for the appropriate relief.
- 11.3 Should a third party be dissatisfied with the Authorised Person's decision to grant a request for information relating to that third party, it (the third party) may within 30 days of notification of such decision, apply to a Court for the appropriate relief.

12. FEES FOR RECORDS IN RESPECT OF PRIVATE BODIES

Notes on fees to be charged by a private body when granting a request for access to information in terms of the promotion of access to information act, 2000. All fees prescribed in term of the regulations of the Act will be seen as exclusive of value-added tax (VAT) as Unique Dairy Products are registered under the Value-Added Tax Act of 1991 (Act No. 89 of 1991)

The fees referred to in section 52(3) of the Act, are as follows:

12.1 REPRODUCTION FEES

12.1.1 The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

12.1.2 The fees for reproduction referred to in regulation 11(1) are as follows:

		R
a)	For every photocopy of an A4-size page or part thereof	1,10

b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
c)	For a copy in a computer-readable form on—	
	i. stiffy disc	7,50
	ii. compact disc	70,00
d)	i. For a transcription of visual images, for an A4-size page or part thereof	40,00
	ii. For a copy of visual images	60,00
e)	i. For a transcription of an audio record, for an A4-size page or part thereof	20,00
f)	ii. For a copy of an audio record	30,00
12.1.3	The request fee payable by a requester, other than a personal requester, referred to in section 54(1) of the Act is R50,00.	
12.1.4	The access fees payable by a requester referred to in regulation 54(7) of the Act, unless exempted under section 54(8) of the Act, are as follows:	
		R
a)	For every photocopy of an A4-size page or part thereof	1,10
b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
c)	For a copy in a computer-readable form on—	
	i. stiffy disc	7,50
	ii. compact disc	70,00
d)	i. For a transcription of visual images, for an A4-size page or part thereof	40,00
	iii. For a copy of visual images	60,00
e)	i. For a transcription of an audio record, for an A4-size page or part thereof	20,00
f)	ii. For a copy of an audio record	30,00
12.1.5	The actual postal fee is payable when a copy of a record must be posted to a requester.	
12.1.6	For purposes of section 54(2) of the Act the following applies:	
a)	Six hours as the hours to be exceeded before a deposit is payable; and	
b)	One third of the access fee is payable as a deposit by the requester.	

13. PRESCRIBED FORMS:

Following Form C for request for access to record of private body in terms of Section 53(1).

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

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

Full names and surname:	
Identity number:	
Postal address:	
Telephone number:	
Fax 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

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

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 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:

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

Reason(s) 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 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required
Form in which record is required:	
Mark the appropriate box with an X.	
<p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

1. If the record is in written or printed form:					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc)					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"		
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*		
3. If record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document		
4. If record is held on computer or in an electronic or machine-readable form:					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"		
<input type="checkbox"/>		<input type="checkbox"/>	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.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
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**